

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

Isaac Payne, )  
 )  
 Plaintiff, ) Civil Action No.  
 )  
 v. ) 1:20-cv-05000-JPB-CMS  
 )  
 The Savannah College of Art and )  
 Design, Inc., )  
 )  
 Defendant. )

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**DEFENDANT'S BRIEF IN SUPPORT OF  
ITS RENEWED MOTION TO DISMISS AND  
TO COMPEL ARBITRATION**

Defendant, The Savannah College of Art and Design, Inc. (“SCAD” or “Defendant”) submits this Brief in Support of its Renewed Motion to Dismiss and to Compel Arbitration (the “Renewed Motion”) of Plaintiff’s employment claims in this case. Plaintiff is a former employee of Defendant who alleges race discrimination and retaliation in violation of 42 U.S.C. § 1981 (Count I). Plaintiff concedes that he entered into the Alternative Dispute Resolution Policy and Agreement (“ADRPA”) with SCAD when he was hired, and does not deny that his § 1981 claims are covered by it. Further, while Plaintiff seeks a declaratory judgment that the ADRPA is unenforceable (Count II), the threshold question of

arbitrability, including the enforceability of the ADRPA, is itself delegated to the arbitrator by the express terms of the ADRPA.

In blatant disregard of arbitration as is required by the ADRPA, Plaintiff and his counsel filed this lawsuit. This action should summarily be dismissed, and Plaintiff ought to be compelled to pursue his claims (if at all) in arbitration. Defendant also asks to be awarded from Plaintiff and his counsel the reasonable attorneys' fees that it has incurred in having to judicially enforce the ADRPA.

## **STATEMENT OF FACTS**

SCAD is a non-profit, independent, tax-exempt institution of higher education conferring bachelor and master degrees in art and design disciplines with over 100 programs of study and locations in Savannah, Atlanta, and Lacoste, France, and by e-Learning. (Declaration of Jonathan Goldstein, ¶ 3) ("Goldstein Decl.") (Exhibit A hereto).<sup>1</sup> SCAD is accredited by the Southern Association of Colleges and Schools Commission On Colleges and other discipline-relevant accrediting bodies. (*Id.*, ¶ 4).

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<sup>1</sup> "Motions to compel arbitration are reviewed under the standard for summary judgment. Thus, a court can consider information outside the pleadings for purposes of resolving the motion." *Dooley v. Federated Law Grp., PLLC*, No. 1:16-cv-04703-SCJ-CMS, 2018 U.S. Dist. LEXIS 61086, at \*13-14 (N.D. Ga. Jan. 22, 2018) (R&R) (internal citations omitted), *adopted*, 2018 U.S. Dist. LEXIS 61081 (N.D. Ga. Feb. 12, 2018).

At all relevant times, SCAD has maintained a mandatory arbitration policy with its employees that is set forth in the ADRPA, which provides that any arbitration “shall be conducted in accordance with and subject to the rules and procedures” in the accompanying “Arbitration Procedures.” (*Id.*, ¶ 6). The ADRPA is contained in SCAD’s Staff Handbook (“Handbook”), which includes a table of contents for convenient reference to particular policies. (*Id.*, ¶¶ 6-7). New employee orientation includes information on SCAD’s policies and an overview of resources, and human resources staff are available to answer any questions about and to clarify any of SCAD’s policies. (*Id.*, ¶ 8). New employees acknowledge access to the Handbook through SCAD’s intranet (called MySCAD) and agree to abide by the Handbook policies by signing an acknowledgment form upon hire. (*Id.*, ¶ 9).

Plaintiff’s Hiring and Agreement to Arbitrate

SCAD hired Plaintiff as Head Coach for the men’s and women’s fishing teams on or about August 30, 2015. (First Amended Complaint (“FAC”), ¶ 17). In connection with his new hire orientation, Plaintiff was given access to the Handbook and provided the attached Staff Handbook Acknowledgement (“Acknowledgement”) for review and signature. (*See* Exhibit B hereto; Goldstein Decl., ¶ 10). Plaintiff admits that he signed the Acknowledgement on or about August 30, 2015. (FAC, ¶ 81).

The Acknowledgement states that “[e]ach staff employee must acknowledge that he/she received the staff handbook and understands that he/she is responsible for reading, understanding and complying with the policies contained in the handbook.” (Exhibit B). The Acknowledgement lists step-by-step instructions to access the Handbook through the MySCAD portal. (*Id.*).

The Acknowledgement further states, “I, Isaac Payne, hereby acknowledge that I received access to (through MySCAD) or a hard copy of the SCAD Staff Handbook on August 30, 2015.” (*Id.*). Each of the next three sentences directly references the ADRPA:

I further acknowledge that I understand that the Staff Handbook contains current policies of SCAD, and I agree to read and comply with the policies contained in the handbook, including the Alternative Dispute Resolution Policy and Agreement (the “ADRPA”).

I also understand that SCAD reserves the right to establish, change, or abolish any policy or practice at any time to meet the needs of the university, with the exception of the ADRPA, which is binding on SCAD and me as written, unless revised following the procedures set out in the ADRPA.

I understand and acknowledge that, except for the Alternative Dispute Resolution policy, the staff handbook does not create a contract with SCAD for any purpose.

(*Id.*).

#### Plaintiff’s Misconduct as a Leader of Student-Athletes Led to Termination

In his pleadings, Plaintiff alleges that he was terminated because of his race (“a Black man”) (FAC, ¶ 1). As the undisputed evidence will establish, Plaintiff was instead fired as Head Fishing Coach in March 2018 solely for legitimate, non-discriminatory reasons after SCAD received a number of disturbing complaints about him from SCAD students and parents. (Goldstein Decl., ¶ 11). Plaintiff’s egregious and unprofessional conduct as Head Fishing Coach included:

- Creating and fostering a culture of bullying and intimidation, with the threat of loss of scholarships to silence dissent and disclosure;
- Endangering the safety of SCAD student-athletes by forcing them to drive past the point of exhaustion following an out-of-town competition, refusing to let them pull over and sleep despite reporting to Plaintiff that they could not safely continue to drive;
- Directing a team member to text him a photograph of a female student’s underwear;
- Disclosing confidential student information to parents of other student-athletes;
- Failing to enforce the school’s drug and alcohol policy against the student-athletes under Plaintiff’s care; and

- Requesting a parent (a retired peace officer) to run an illegal background check on a student.

(*Id.*). SCAD’s decision to terminate Plaintiff thus had nothing to do with his race and everything to do with his unacceptable conduct as a leader.

Plaintiff Flaunted His Agreement to Arbitrate

In the fall of 2020, prior to Plaintiff filing this lawsuit, SCAD’s counsel provided Plaintiff (through his counsel) copies of all relevant documentation, including the ADRPA and Plaintiff’s signed Acknowledgment, demonstrating that Plaintiff was bound to arbitrate any claims against SCAD pursuant to the ADRPA. (Joseph English email of October 14, 2020, to Daniel Werner, attached as Exhibit C hereto). SCAD put Plaintiff and his counsel on notice that SCAD intended to seek recovery of its costs and reasonable attorney’s fees to enforce the ADRPA if Plaintiff nevertheless elected litigation rather than arbitration. (*Id.*).

On December 10, 2020, Plaintiff filed this action. SCAD timely responded to Plaintiff’s original Complaint (Doc. 1) by moving to dismiss and to compel arbitration (the “Original Motion”). (Doc. 5). Plaintiff then filed his First Amended Complaint (Doc. 13) to attempt to plead around the Original Motion. As is shown below, this effort is unavailing. But in light of this amended pleading, the Court approved and adopted as the Order of the Court the Magistrate Judge’s Non-Final

Report and Recommendation (Doc. 14) that Defendant's Motion to Dismiss and to Compel Arbitration (Doc. 5) with respect to Plaintiff's initial Complaint (Doc. 1) be denied as moot and without prejudice. (Doc. 19). SCAD has been granted an extension of time to respond to the First Amended Complaint to and including February 26, 2021. (Doc. 18).

## **ARGUMENT AND CITATION OF AUTHORITIES**

### **A. The Federal Arbitration Act**

The ADRPA and the Arbitration Procedures are expressly promulgated pursuant to, and are to be interpreted according to, the Federal Arbitration Act ("FAA"), 9 U.S.C. §1, *et seq.*

Under the FAA, a written agreement to arbitrate is "valid, irrevocable, and enforceable, save upon such grounds as exist at law or in equity for the revocation of any contract." 9 U.S.C. § 2. Accordingly, the FAA requires a court to either stay or dismiss a lawsuit and to compel arbitration upon a showing that (a) the plaintiff entered into a written arbitration agreement that is enforceable "under ordinary state-law" contract principles and (b) the claims before the court fall within the scope of that agreement. *See* 9 U.S.C. §§ 2-4.

*Lambert v. Austin, Inc.*, 544 F.3d 1192, 1195 (11th Cir. 2008).

Plaintiff does not deny that the ADRPA covers his § 1981 claims or that he signed the Acknowledgement and thereby agreed to the ADRPA. Nonetheless, Plaintiff seeks a declaratory judgment that the ADRPA is unconscionable and unenforceable. The ADRPA and the controlling case law say otherwise.

## B. The Enforceability of the ADRPA Is Delegated to the Arbitrator

“The [Federal Arbitration] Act allows parties to agree by contract that an arbitrator, rather than a court, will resolve threshold arbitrability questions as well as underlying merits dispute....When the parties’ contract delegates the arbitrability question to an arbitrator, the courts must respect the parties’ decision as embodied in the contract.” *Henry Schein, Inc. v. Archer & White Sales, Inc.*, 139 S. Ct. 524, 527-28 (2019) (editing added). These so-called “gateway questions of arbitrability [include] questions concerning the interpretation, applicability, **enforceability**, and formation of the agreement.” *Jones v. Waffle House, Inc.*, 866 F.3d 1257, 1262 (11th Cir. 2017) (emphasis and editing added).

“Courts should not assume that the parties agreed to arbitrate arbitrability unless there is ‘clea[r] and unmistakabl[e]’ evidence that they did so.” *First Options of Chicago, Inc. v. Kaplan*, 514 U.S. 938, 944 (1995) (editing by the Court) (internal citation omitted). Here, the ADRPA itself furnishes this “clear and unmistakable evidence” of the parties’ intent to delegate all issues of arbitrability to the arbitrator. Specifically, the ADRPA provides that “the arbitrator shall have the authority to determine whether, and to what extent, this ADRPA applies to a Dispute between SCAD and an employee”<sup>2</sup> and prohibits the employee from

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<sup>2</sup> Section IV(G) of the Arbitration Procedures tracks this language.

“petition[ing] any court concerning the *enforceability* of this ADRPA.” (Emphasis added).

“When the parties’ contract delegates the arbitrability question to an arbitrator, a court may not override the contract.” *Henry Schein*, 139 S. Ct. at 529. Plaintiff’s objections to the enforceability of the ADRPA must be decided in the first instance by the arbitrator, not by this Court.

### C. The ADRPA Is Enforceable

Even if the Court finds that the ADRPA does not delegate any dispute as to enforceability to the arbitrator, Plaintiff fares no better by having the Court decide this issue. Put simply, he cannot meet his high burden under Georgia law<sup>3</sup> to show that the ADRPA is both procedurally and substantively unconscionable. *See, e.g.*, *Green Tree Fin. Corp.-Ala. v. Randolph*, 531 U.S. 79, 82 (2000) (“[T]he party seeking to avoid arbitration bears the burden of establishing that Congress intended to preclude arbitration of the statutory claims at issue.”); *Fatt Katt Enter., Inc. v. Rocksolid Granite*, No. 1:17-cv-1900-MHC, 2018 U.S. Dist. LEXIS 8119, at \*16 n.3 (N.D. Ga. Jan. 11, 2018) (“For a contract to be found unconscionable under Georgia law, there must be both procedural and substantive unconscionability.”).

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<sup>3</sup> “[S]tate law generally governs whether an enforceable contract or agreement to arbitrate exists.” *Caley v. Gulfstream Aerospace Corp.*, 428 F.3d 1359, 1368 (11th Cir. 2005).

*Apollo Md Bus. Servs. LLC v. Amerigroup Corp. (Del.)*, No. 1:16-cv-4814-RWS, 2017 U.S. Dist. LEXIS 230235, at \* (N.D. Ga. Nov. 27, 2017) (editing added) (“And Georgia law...sets a high bar for finding unconscionability. In particular, Georgia law typically requires both procedural and substantive unconscionability to be present.”). Moreover, even if any of the challenged provisions of the ADRPA were held to be unconscionable, any such provisions ought to be severed from the ADRPA pursuant to its severability clause, and the ADRPA enforced.

#### 1. The ADRPA Is Not Procedurally Unconscionable

“Procedural unconscionability concerns the process of making a contract.” *Kaspers v. Comcast Corp.*, 631 F. App’x 779, 782 (11th Cir. 2015) (applying Georgia law). “A non-inclusive list of some factors courts have considered in determining whether a contract is procedurally unconscionable includes the age, education, intelligence, business acumen and experience of the parties, their relative bargaining power, the conspicuousness and comprehensibility of the contract language, the oppressiveness of the terms, and the presence or absence of a meaningful choice.” *NEC Techs., Inc. v. Nelson*, 267 Ga. 390, 392 (1996).

Plaintiff throws the kitchen sink at the ADRPA in an effort to show that it is procedurally unconscionable. Whether individually or collectively, these contentions come up well short of the mark.

For starters, Plaintiff is simply grasping at straws in taking exception to the length, font size, presentation, or line spacing of the Handbook or specifically of the ADRPA. (FAC, ¶¶ 92-95). The ADRPA was hardly hidden from Plaintiff. On the contrary, the one-page Acknowledgement that he signed singles out the ADRPA, including by stating that “I agree to read and comply with the policies contained in the handbook, including the Alternative Dispute Resolution Policy and Agreement (the “ADRPA”).” The following sentence reiterates that the ADRPA “is binding on SCAD and me as written.” Further, the Acknowledgement attests that Plaintiff “understands that he/she is responsible for reading, understanding and complying with the policies contained in the handbook.” Plaintiff admits that the Handbook was at all relevant times available to him on SCAD’s intranet (MySCAD). (*Id.* ¶ 87).<sup>4</sup>

Under these undisputed facts, it is difficult to imagine how SCAD could have more squarely advised Plaintiff that the parties expressly agreed to arbitrate disputes. None of Plaintiff’s allegations remotely demonstrate that Plaintiff was coerced into agreeing to the ADRPA so as to satisfy his burden to show procedural

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<sup>4</sup> Among Plaintiff’s new allegations in the First Amended Complaint is that he had no access to the Handbook after his employment ended. (FAC, ¶ 90). This does not affect enforceability. Moreover, Plaintiff was provided with copies of the Handbook and all other relevant documents before Plaintiff commenced this litigation. (*See also* attached Exhibit C).

unconscionability. The absence of procedural unconscionability dooms Plaintiff's attempt to evade arbitration.

## 2. The ADRPA Is Not Substantively Unconscionable

To be substantively unconscionable under Georgia law, a contract must be so one-sided that “no sane man not acting under a delusion would make and that no honest man would take advantage of.” *R.L. Kimsey Cotton Co. v. Ferguson*, 233 Ga. 962, 966 (1975); *accord, e.g., Johnson v. Wells Fargo Bank, N.A.* No. 1:14-cv-02988-LMM, 2015 U.S. Dist. LEXIS 185016, at \*8 (N.D. Ga. June 17, 2015). Put differently, “[u]nconscionable conduct must ‘shock the conscience.’” *Mitchell v. Ford Motor Credit Co.*, 68 F. Supp. 2d 1315, 1319 (N.D. Ga. 1998) (quoting *BMW Fin. Servs., N.A. v. Smoke Rise Corp.*, 226 Ga. App. 469, 469 (1997)).<sup>5</sup> The ADRPA falls well short of this demanding test.

### a. Alleged Lack of Mutuality

Plaintiff complains that the ADRPA lacks mutuality in three ways. (FAC, ¶¶ 101-102, 105-106). First, by requiring employees, but not SCAD, to initiate resolving disputes by going through the Vice President of Human Resources even

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<sup>5</sup> “To assess a claim of substantive unconscionability, Georgia’s courts ‘have focused on matters such as the commercial reasonableness of the contract terms, the purpose and effect of the terms, the allocation of risks between the parties, and similar public policy concerns.’” *Jones v. Waffle House, Inc.*, 866 F.3d 1257, 1265 (11th Cir. 2017) (quoting *NEC Techs.*, 267 Ga. at 392).

though it would make no sense for SCAD to do so. Second, by somehow favoring SCAD in authorizing *either party* to seek interim injunctive or other equitable relief in court for certain disputes. And third, by affording only SCAD the option to bypass one or more steps before the arbitration of any dispute with the employee – which is not unreasonable considering that SCAD bears the financial cost at every preliminary stage under the ADRPA.<sup>6</sup>

Even putting aside whether any or all of these alleged differences in rights between SCAD and the employee under the ADRPA might, in a vacuum, be deemed to be sufficiently draconian to “shock the conscience”<sup>7</sup> (which SCAD denies), it is well settled in Georgia that “an arbitration provision is not unconscionable because it lacks mutuality of remedy.” *Crawford v. Great Am. Cash Advance, Inc.*, 284 Ga. App. 690, 693 (2007) (arbitration agreement permitted lender, but not borrower, to enforce payment obligations in court);

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<sup>6</sup> Plaintiff now alleges that he actually initiated the dispute resolution process pursuant to the ADRPA by sending a letter describing his claims to SCAD’s Vice President for Human Resources, but that SCAD did not comply with the prescribed next step by issuing him a letter “indicating that the internal review process had been completed.” (FAC, ¶ 103). By sending his letter pursuant to the ADRPA, Plaintiff implicitly admitted that his § 1981 claims are subject to the ADRPA and must be arbitrated.

<sup>7</sup> For instance, in *Caley* the Eleventh Circuit held that “the fact that employees but not Gulfstream are required to exhaust steps prior to arbitration” was not so offensive an asymmetry in the parties’ arbitration agreement to be unconscionable. *Caley*, 438 F.3d at 1379.

*accord, e.g., Am. Family Life Assur. Co. v. Hubbard, 759 F. App'x 899, 905 (11th Cir. 2019) (per curiam) (applying Georgia law) (one-way arbitration agreement that bound employees but not AFLAC); Saturna v. Bickley Constr. Co., 252 Ga. App. 140, 142 (2001) (arbitration agreement allowed builder, but not homeowners, the right to go to court for specific performance or other remedies). By any measure, consequently, Plaintiff gets no mileage from this argument.*

b. Location of the Arbitration

Plaintiff complains that the ADRPA allows SCAD to select the location of the arbitration. (FAC, ¶ 104). The forum selection provision is benign. Not only does it limit SCAD's exercise of this discretion to Savannah or Atlanta, where SCAD has its main campuses, or "the location where the employee lives and works," but if SCAD elects Savannah or Atlanta, and the employee lives or works in another city, SCAD is obligated to reimburse the employee for his or her resulting reasonable and necessary travel expenses, including mileage and hotel fees. On its face, this provision is the antithesis of substantive unconscionability,<sup>8</sup> especially since, "[w]hen parties agree to a forum-selection clause, they waive the right to challenge the preselected forum as inconvenient or less convenient for

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<sup>8</sup> It is also worth noting that arbitrations are almost uniformly conducted remotely during the coronavirus pandemic.

themselves or their witnesses, or for their pursuit of the litigation.” *Atl. Marine Constr. Co. v. U.S. Dist. Ct. for the W. Dist. of Tex.*, 571 U.S. 49, 64 (2013); accord, e.g., *A. Garcia Trucking & LLC v. Mi Pueblo Supermarket, LLC*, No. 1:18-cv-1127-ELR, 2019 U.S. Dist. LEXIS 82885, at \*10 (N.D. Ga. Jan. 10, 2019).

c. Qualifications of the Arbitrator

The ADRPA provides that the arbitrator, among other qualifications, “must be a retired federal judge unless a retired federal judge is not available to hear the dispute in a timely manner.” Plaintiff inaccurately alleges that “there are only two retired federal judges in Georgia who may be available to serve as an arbitrator.” (FAC, ¶ 107). On this faulty premise, Plaintiff goes on to allege that “[a]s such, SCAD’s ADRPA effectively pre-selects one of two arbitrators and ensures the racial demographics of the pool of available arbitrators does not match the regional racial demographics.” (*Id.*).

The argument is spurious. Not only do retired federal judges include Magistrate Judges, but nothing in the ADRPA requires the “retired federal judge” to be in Georgia. Even a cursory review of major ADR services, including those cited by Plaintiff (*id.* ¶ 107 n.6), identifies many retired federal judges around the country who might serve as arbitrators. On the other hand, if there are as few retired federal judges available to serve as arbitrators “available to hear the dispute

in a timely manner,” the more likely it is that the selection of the arbitrator will not be restricted by this qualification. Plaintiff, therefore, goes nowhere in contending that this hypothetical limitation on the qualifications of potential arbitrators is unconscionable.<sup>9</sup>

d. Confidentiality of the Arbitration

Plaintiff includes in his laundry list of alleged substantively unconscionable provisions in the ADRPA its requirement that “all communications, information, documents, pleadings, and awards shall be deemed confidential.” (FAC, ¶ 110). It is axiomatic, however, that confidentiality is a linchpin of arbitration.<sup>10</sup> For example, Rule 23 of the American Arbitration Association Employment Rules provides: “The arbitrator ***shall maintain the confidentiality of the arbitration*** and shall have the authority to make appropriate rulings to safeguard that confidentiality unless the parties agree otherwise or the law provides to the contrary.” (Emphasis added). Moreover, “[i]n many employment claims, both sides might well prefer confidentiality.” *Caley*, 428 F.3d at 1378-79. As Plaintiff should be aware, the Eleventh Circuit has repeatedly recognized that a confidentiality

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<sup>9</sup> In practice, SCAD has utilized arbitrators who are not retired federal judges.

<sup>10</sup> Plaintiff and his counsel have already used the filing of this action in this Court, in direct contravention of the ADRPA, as the predicate to hold their December 10, 2020 press conference publicizing this dispute.

provision within an arbitration agreement does not render the agreement substantively unconscionable under Georgia law. *See, e.g., Am. Family Life Assur. Co.*, 759 F. App'x at 906; *Caley*, 428 F.3d at 1378-79 (provision in arbitration agreement that prohibited disclosure of transcripts of the arbitration or the award was not unconscionable since “[i]n many employment claims, both sides might well prefer confidentiality”).<sup>11</sup>

e. SCAD's Right to Modify or Terminate the ADRPA

Plaintiff also contends that the ADRPA is substantively unconscionable because it “provides that SCAD may modify or terminate the ADRPA on thirty

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<sup>11</sup> Plaintiff also plays the confidentiality card by falsely alleging that “SCAD required at least one former member of the Fishing Teams to sign confidentiality agreements [sic] to continue to receive an athletic scholarship after SCAD shut down the teams...[and] made similar demands to other former members of the Fishing Teams.” (FAC, ¶ 116). Plaintiff further alleges that SCAD thereby prevented these ostensible witnesses from voluntarily cooperating with his investigation, that “an arbitrator is powerless to subpoena non-parties for pre-hearing discovery,” citing *Managed Care Advisory Group, LLC v. CIGNA Healthcare, Inc.*, 930 F.3d 1145 (11th Cir. 2019), and that these two putative constraints somehow combine to make the ADRPA unenforceable. (FAC, ¶ 117). Plaintiff cites no authority for this alchemy. In fact, Section VII.A.1 of the Arbitration Procedures clearly contemplates discovery, including from non-parties, consistent with that allowed by Federal Rules of Civil Procedure 26-37. It should additionally be pointed out that the Georgia Arbitration Code expressly authorizes arbitrators to “issue subpoenas for the attendance of witnesses and for the production of documents,” O.C.G.A. § 9-9-9(a), and for prehearing discovery, including document production and depositions, “according to procedures established by the arbitrators.” *Id.* §9-9-9(b). Plaintiff’s protests ring hollow.

days' written notice." (FAC, ¶ 114). Plaintiff ignores the next sentence in this provision, which mandates that "[t]he policy, if any, in effect at the time a request for mediation and/or arbitration is initiated will govern the process by which the Dispute is resolved." The Eleventh Circuit found that a virtually identical provision was not unconscionable under Georgia law. *See Caley*, 428 F.3d at 1366, 1378.<sup>12</sup>

f. Fees and Costs

"The party seeking to avoid arbitration...has the burden of establishing that enforcement of the agreement would 'preclude' him from 'effectively vindicating [his] federal statutory right in the arbitral forum.'" *Musnick v. King Motor Co.*, 325 F.3d 1255, 1259 (editing added and by the court) (quoting *Green Tree Fin. Corp.-Ala. v. Randolph*, 531 U.S. 79, 90 (2000)). "The mere possibility that [Plaintiff] could be saddled with prohibitive costs is too speculative to justify the invalidation of [an arbitration] agreement." *Cash in Advance of Fla., Inc. v. Jolley*, 272 Ga. App. 282, 284-85 (2005) (editing added and by the court) (quoting *Green Tree*, 531 U.S. at 91). "[A] party invoking the effective-vindication doctrine because the

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<sup>12</sup> Plaintiff raises a red herring by alleging on "information and belief" that SCAD revised the ADRPA in the Handbook after he signed the Acknowledgement, and failed to notify him of this purported revision. (FAC, ¶¶ 97-98). The ADRPA as set forth in the 2015-2016 Staff Handbook was not changed during Plaintiff's employment with SCAD (Goldstein Dec., ¶ 7), and SCAD has never claimed that Plaintiff or any other former employee is bound by any post-employment modification of the ADRPA.

cost of arbitration is prohibitively expensive must present evidence of two things: (1) ‘the amount of the fees he is likely to incur;’ and (2) ‘his inability to pay those fees.’ Speculative fear of high fees is insufficient.” *Escobar v. Celebration Cruise Operator, Inc.*, 806 F.3d 1279, 1291 (11th Cir. 2015) (internal citations omitted).

Plaintiff alleges that the costs of arbitrating his §1981 claims would be prohibitive to him. (FAC, ¶ 109). Even in advance of any evidence in alleged support of this assertion, it comes up empty.

To begin with, Plaintiff cannot draw any comfort from the provision in the ADRPA that “[a]ttorney’s fees, expert witness fees, and costs will be paid by the respective parties unless the arbitrator awards otherwise.” (*Id.* ¶ 108). It would be no different in court, where Plaintiff would incur these fees and costs of his own and could be liable for those of SCAD too if SCAD is the prevailing party on Plaintiff’s §1981 claims. *See* 42 U.S.C. § 1988 (b)-(c).

Under the ADRPA, SCAD is obligated to advance the cost of the arbitrator’s fees, “subject to reimbursement by the employee following arbitration if the employee does not prevail.” Although the ADRPA ultimately allows SCAD to seek reimbursement for the arbitrator’s fees in the event Plaintiff loses, Plaintiff cannot invalidate the ADRPA as substantively unconscionable on this account. *Cf. Am. Family Life Insur. Co.*, 759 F. App’x at 906 (plaintiffs failed to carry their

burden of showing that having to pay the expenses and fees of their own party-appointed arbitrator made arbitration prohibitively expensive).

g. The Arbitration Procedures Are Not Unconscionable

Plaintiff also takes aim in the First Amended Complaint at two of the provisions in the Arbitration Procedures. Again he badly misses the mark.

First, Plaintiff objects to Section VII(B)(1), which requires any prospective, current, or former employee who brings an employment-based claim against SCAD to sign an authorization, upon its request, for the claimant's current or former employers to release to SCAD all of the claimant's employment and personnel records. (FAC, ¶ 113(a)). Plaintiff nonetheless blows right past the limitation of this provision to employment-related disputes in alleging that this obligation to release employment and personnel records "is irrespective of the employee's claim against SCAD." (*Id.*). It is not.

Second, Plaintiff likewise overreaches in criticizing Section VII(B)(2) of the Arbitration Procedures. Under this provision, a claimant who seeks damages for alleged "physical, mental, emotional or similar condition, injury or harm" must sign an authorization, if requested by SCAD, for all of his current and former "medical providers, counselors, or other individuals or entities that have provided medical-related treatment or counseling" to claimant to release to SCAD all of her records for any such treatment or counseling. (*Id.*, ¶ 113(b)). Plaintiff alleges that

this provision is unconscionable because it applies whether or not the claimant “is only seeking garden variety emotional distress damages,<sup>13</sup> or...the medical records have any relationship to the injury the employee alleges.” (*Id.*).

If Plaintiff or any other claimant has a problem with these provisions, the remedy is just two paragraphs down in Section VII(B)(4). It provides:

A party may petition the Arbitrator for a protective order to limit or eliminate an authorization for the release of records required or permitted by these Procedures. Such petitions generally shall be governed by Rule 26(c) of the Federal Rules of Civil Procedure.

Hence, the net effect of Sections VII(B)(1) and (2) of the Arbitration Procedures on Plaintiff or any other claimant is no different than if they were in litigation with SCAD and moved for a protective order against discovery of any or all of the employment, personnel, or medical records contemplated by Sections

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<sup>13</sup> Plaintiff is apparently relying on the line of authority holding that a plaintiff does not place his mental health “in controversy” for purposes of having to undergo an independent medical examination pursuant to Federal Rule of Civil Procedure 35(a) “merely by claiming damages for mental anguish or ‘garden variety’ emotional distress.” *Stevenson v. Stanley Bostitch, Inc.*, 201 F.R.D. 551, 553 (N.D. Ga. 2001) (Scofield III, M.J.) (compiling cases). But even pretermitted whether Plaintiff’s prayer for compensatory damages for alleged “emotional pain and suffering” etc. (FAC, ¶ 131(b)) falls within the multiple exceptions to this “garden variety” safe harbor, *see Stevenson*, 201 F.R.D. at 553, Section VII(B)(2) says nothing about an IME. *See Newmark v. Rambosk*, No. 2:15-cv-263-FtM-29 CM, 2016 U.S. Dist. LEXIS 82455, at \*3 (M.D. Fla. June 24, 2016) (distinguishes *Stevenson* as involving a request for an IME as opposed to general discovery); *Ballard v. Keen Trans., Inc.*, No. 4:10-cv-54, 2011 U.S. Dist. LEXIS 55779, at \*1-3 (N.D. Ga. May 24, 2011) (same: a motion in limine as compared to an IME).

VII(B)(1) and (2). These provisions do not approach the “shock the conscience” test to be substantively unconscionable under Georgia law. *See* pp. 12-13 *supra*.

h. Any Unconscionable Provisions of the ADRPA or the Arbitration Procedures Should be Severed

As Plaintiff acknowledges (FAC, ¶ 111), the ADRPA provides that “[s]hould any term or provision of this ADRPA or the Arbitration Procedures, or portion thereof, be declared void or unenforceable, it shall be severed, and the remainder shall be enforced.”<sup>14</sup> This severability provision sounds the death knell for Plaintiff’s serial attacks on the ADRPA and the Arbitration Procedures to try to keep his § 1981 claims in this Court rather than in arbitration.

If all the provisions of the arbitration policy are enforceable, then the court must compel arbitration according to the terms of the agreement. If, however, some or all of its provisions are not enforceable, then the court must determine whether the unenforceable provisions are severable. Severability is decided as a matter of state law. If the offensive terms are severable, then the court must compel arbitration according to the remaining, valid terms of the parties’ agreement. The court should deny the motion to compel arbitration only where the invalid terms of the arbitration clause render the entire clause void as a matter of state law.

*Terminix Int’l Co., LP*, 432 F.3d at 1331 (internal citation omitted). Whether a severability provision is to be given effect “is a question of state law, because in placing arbitration agreements on an even footing with all other contracts, the FAA

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<sup>14</sup> Section XIX of the Arbitration Procedures is a parallel severability clause.

makes general state contract law controlling." *Anders v. Hometown Mortgage Servs., Inc.*, 346 F.3d 1024, 1032 (11th Cir. 2003).

In Georgia, a contract may be either entire or severable. If a contract is severable, the part of the contract that is valid will not be invalidated by a separate part that is unenforceable. The intent of the parties determines whether a contract is severable. "*[S]everability clauses are enforceable under Georgia law and the FAA requires that arbitration agreements be treated no less favorably than other contracts under state law.*"

*Webb v. Doordash, Inc.*, 451 F. Supp. 3d 1360, 1367 (N.D. Ga. 2020) (Jones, J.) (internal citations omitted; emphasis added). "The parties' intent may be expressed *directly, through a severability clause*, or indirectly, as when the contract contains promises to do several things based upon multiple considerations." *Vegesina v. Allied Informatics, Inc.*, 257 Ga. App. 693, 694 (2002) (emphasis added); *accord*, e.g., *Brady v. Auto Reflections, Inc.*, No. 1:17-cv-2632-TCB, 2018 U.S. Dist. LEXIS 239870, at \*4 (N.D. Ga. Feb. 8, 2018).

The severability clause in the ADRPA thus directly and unambiguously expresses the parties' intent that the ADRPA and the Arbitration Procedures are severable. Notably, Plaintiff does not suggest otherwise. Instead, he argues (FAC, ¶ 137 n.8) against severability only by citing the Eleventh Circuit's decision in *Perez v. Globe Airport Sec. Servs., Inc.*, 253 F.3d 1280 (11th Cir. 2001), that declined to save an arbitration agreement by severing cost and fee-shifting provisions that were held to be improper as to the plaintiff's Title VII claim. See *id.*

at 1287. This reliance on *Perez* is grossly misplaced. Not only was *Perez* vacated *sua sponte*, *see* 294 F.3d 1275 (11th Cir. 2002), but unlike the ADRPA, the arbitration agreement in *Perez* lacked a severability clause. *See* 253 F.3d at 1286. As a consequence, “the Eleventh Circuit has twice instructed parties [opposing severability in arbitration agreements] that *Perez* should not be relied upon at all.” *Zulauf v. Amerisave Mort. Corp.*, No. 1:11-cv-1784-WSD, 2011 U.S. Dist. LEXIS 156699, at \*37 n.14 (N.D. Ga. Nov. 23, 2011) (citing *Musnick*, 325 F.3d at 1257 n.1, and *Anders*, 346 F.3d at 1030 n.5).

Accordingly, if any of the contested provisions of the ADRPA or the Arbitration Procedures are determined to be substantively unconscionable, the remedy is to sever these provisions and enforce the remaining terms of the ADRPA and the Arbitration Procedures.

## CONCLUSION

“If the moving party establishes the necessary elements, ‘the FAA requires a court to either stay or dismiss a lawsuit and to compel arbitration.’” *Hearn v. Comcast Cable Communs., LLC*, 415 F. Supp. 3d 1155, 1159 (N.D. Ga. 2019) (Thrash, J.) (internal citation omitted). Where, as here, all of the legal issues presented in the case are referable to arbitration, it serves no purpose for the Court to retain jurisdiction. *See, e.g., Rayburn v. Webbank*, No. 1:18-cv-03127-JPB-CMS, 2019 U.S. Dist. LEXIS 235851, at \*6-7 (N.D. Ga. Jul. 17, 2019) (R&R).

Plaintiff does not deny that his §1981 claims are within the scope of the ADRPA, and he has not met his burden to show that the ADRPA is both procedurally and substantively unconscionable under Georgia law. Moreover, even if any of the provisions of the ADRPA were found to be substantively unconscionable, its severability clause requires that such offending provisions be severed.

For the reasons stated above, SCAD therefore respectfully requests that its Renewed Motion be granted, that this action be dismissed, and that Plaintiff be compelled to pursue his §1981 claims (if at all) in arbitration in compliance with the ADRPA. SCAD also asks to be awarded from Plaintiff and counsel the reasonable attorneys' fees it has incurred in seeking this relief to enforce the ADRPA.<sup>15</sup>

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<sup>15</sup> In similar circumstances, courts have imposed sanctions under Federal Rule of Civil Procedure 11 on parties and/or their counsel who unreasonably resisted an arbitration demand and forced the opposing party to move to compel arbitration. *See, e.g., Multiband Corp. v. Block*, No. 11-15006, 2012 U.S. Dist. LEXIS 70468 (E.D. Mich. May 21, 2012).

Respectfully submitted this 26<sup>th</sup> day of February, 2021.

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*Counsel for Defendant*

**CERTIFICATE OF COMPLIANCE WITH LR 5.1**

I certify, in accordance with LR 7.1D, that I prepared the foregoing in Times New Roman, 14-point font, as approved by LR 5.1C.

Respectfully submitted this 26<sup>th</sup> day of February, 2021.

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IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

Isaac Payne, )  
 )  
Plaintiff, ) CIVIL ACTION NO:  
 )  
v. )  
 )  
The Savannah College of Art and )  
Design, Inc., )  
 )  
Defendant. )

---

**CERTIFICATE OF SERVICE**

I hereby certify that on this 26<sup>th</sup> day of February, 2021, I electronically filed the foregoing **DEFENDANT'S BRIEF IN SUPPORT OF ITS RENEWED MOTION TO DISMISS AND TO COMPEL ARBITRATION** with the Clerk of Court using the CM/ECF system, which will automatically send email notification of such filing to all parties of record.

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*Counsel for Defendant*

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

Isaac Payne, )  
Plaintiff, )  
v. ) Civil Action No.  
The Savannah College of Art and ) 1:20-cv-05000-JPB-CMS  
Design, Inc., )  
Defendant. )

## **DECLARATION OF JONATHAN GOLDSTEIN**

1

My name is Jonathan Goldstein and I am Executive Director of Human Resources for The Savannah College of Art and Design, Inc. (“SCAD”), the defendant in the above-styled action.

2

Unless otherwise stated, the facts stated herein are within my personal knowledge. I am over the age of twenty-one and competent to testify to the matters set forth in this Declaration. I understand that this Declaration is given for use in the above-styled action, and that it may be used for any purpose permitted by law.

3.

SCAD is a non-profit, independent, tax-exempt institution of higher education conferring bachelor and master degrees in art and design disciplines with over 100 programs of study and locations in both Savannah and Atlanta, Georgia; Lacoste, France; and e-Learning.

4.

SCAD is accredited by the Southern Association of Colleges and Schools and other discipline-relevant accrediting organizations.

5.

I have firsthand knowledge of SCAD's Staff Handbook, and SCAD's new employee orientation process, currently and since August 2015.

6.

At all times relevant to this claim, SCAD has maintained a mandatory arbitration policy with its employees, embodied in the Alternative Dispute Resolution Policy and Agreement ("ADRPA"). The ADRPA is contained in SCAD's Staff Handbook, which includes a table of contents for convenient reference to particular policies.

7.

A true and correct copy of the ADRPA within the 2015-2016 Staff Handbook is attached hereto as Attachment A. The ADRPA as set forth in the 2015-2016 Staff Handbook was not changed during Plaintiff's employment with SCAD.

8.

New employee orientation includes information on SCAD's policies and an overview of resources and human resources staff available to answer any questions or clarification related to SCAD's policies.

9.

All new employees acknowledge access to the handbook, which is located on SCAD's intranet (called MySCAD), accessible online 24 hours a day, and agree to abide by the policies in the Staff Handbook by signing a Staff Handbook Acknowledgement ("Acknowledgement") form upon hire.

10.

Plaintiff was hired by SCAD as Head Coach for the men's and women's fishing teams, on or about August 30, 2015. In connection with his new hire orientation, Plaintiff was given access to the Staff Handbook and provided an Acknowledgement for review and signature.

After receiving disturbing complaints from students and parents, SCAD removed Plaintiff as Head Coach in March 2018, in the middle of the athletic season. Plaintiff's conduct violated the standard of conduct expected of a leader of young men and women under his care. Illustrative, but not exhaustive, Plaintiff's misconduct as Head Coach included:

- Creating and fostering a culture of bullying and intimidation, with the threat of loss of scholarship to silence dissent and disclosure;
- Endangering the safety of SCAD student-athletes by forcing them to drive past the point of exhaustion following an out-of-town competition, refusing to let them pull over and sleep despite reporting to Plaintiff that they could not safely continue to drive;
- Directing a team member to text him a photograph of a female student's underwear;
- Disclosing confidential student information to parents of other student-athletes;
- Failure to enforce the school's drug and alcohol policy among the student-athletes under Plaintiff's care; and
- Requesting a parent (retired peace officer) to run an illegal background check on a student.

12.

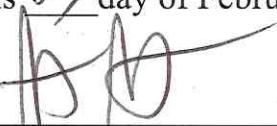
This is a voluntary statement by me. No threats or promises of any kind have been made to me, nor have I received any benefit in exchange for making this statement.

13.

I declare, under penalty of perjury, pursuant to 28 U.S.C. § 1764, that the foregoing is true and correct.

Executed at Savannah, Georgia

this 25 day of February, 2021

  
\_\_\_\_\_  
Jonathan Goldstein  
Executive Director of Human Resources, SCAD

# STAFF HANDBOOK 2015-2016

**SCAD** The University for Creative Careers

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## PURPOSE

The Savannah College of Art and Design<sup>1</sup> human resources department prepared this staff handbook to acquaint staff with policies and procedures related to employment with Savannah College of Art and Design. This handbook contains general statements regarding some of the university's policies and practices and should not be read as inclusive of all of the details of policies or practices. Any policy or practice made or issued by anyone other than the president or vice president for human resources that is contrary to this handbook will be considered null and void. It is the responsibility of each employee to read and understand this handbook and to read and understand any policies that may be implemented during his or her employment. The staff handbook is available in hard copy and employees should regularly check the SCAD website for updates to the handbook.

With the exception of the Alternative Dispute Resolution Policy and Agreement, which may only be amended in accordance with its terms, the university reserves the right to establish, change or abolish any policy or practice at any time to meet the needs of the institution.

Nothing in this handbook changes the at-will employment relationship with any employee.  
(Exception: Employees, such as faculty members who have written employment agreements with the university, are subject to the provisions of the faculty handbook in effect during their term of employment.)

This handbook and all other previous versions are considered confidential between Savannah College of Art and Design and the employee. No portion of this handbook may be reproduced or distributed in any manner without the expressed written permission of the vice president for human resources. Questions regarding this handbook or any university employment policy or practice should be directed to human resources.

<sup>1</sup>As used in this handbook, the Savannah College of Art and Design may be referred to as college, university, or institution.

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## ACCREDITATION

### **Southern Association of Colleges and Schools Commission on Colleges**

The Savannah College of Art and Design is accredited by the Southern Association of Colleges and Schools Commission on Colleges to award bachelor's and master's degrees. Contact the Commission on Colleges at 1866 Southern Lane, Decatur, Georgia 30033-4097 or call 404.679.4500 for questions about the accreditation of the Savannah College of Art and Design.

The office of institutional effectiveness at SCAD reports substantive changes to SACSCOC according to the Commission's published policies. Faculty and staff can email [accreditation@scad.edu](mailto:accreditation@scad.edu) to report substantive changes or request SCAD's substantive change policy.

### **National Architectural Accrediting Board**

In the United States, most state registration boards require a degree from an accredited professional degree program as a prerequisite for licensure. The National Architectural Accrediting Board (NAAB), which is the sole agency authorized to accredit U.S. professional degree programs in architecture, recognizes three types of degrees: the Bachelor of Architecture, the Master of Architecture, and the Doctor of Architecture. A program may be granted an eight-year, six-year, three-year, or two-year term of accreditation, depending on the extent of its conformance with established educational standards.

Doctor of Architecture and Master of Architecture degree programs may consist of a pre-professional undergraduate degree and a professional graduate degree that, when earned sequentially, constitute an accredited professional education. However, the preprofessional degree is not, by itself, recognized as an accredited degree.

The Savannah College of Art and Design School of Building Arts offers the following NAAB-accredited degree program: M.Arch. (180 undergraduate credits plus 90 graduate credits). Next accreditation visit: 2021.

### **Hong Kong Council for Accreditation of Academic and Vocational Qualifications**

The following SCAD Hong Kong degree programs are accredited by the Hong Kong Council for Accreditation of Academic and Vocational Qualifications (HKCAAVQ) and are recognized on the Hong Kong Qualifications Framework (QF), with a validity period of May 1, 2011 to April 30, 2016:

#### **QF Level 5**

- Bachelor of Fine Arts in Advertising  
QR Registration Number: 11/001053/5
- Bachelor of Fine Arts in Animation  
QR Registration Number: 11/001052/5
- Bachelor of Fine Arts in Graphic Design  
QR Registration Number: 11/001054/5
- Bachelor of Fine Arts in Illustration  
QR Registration Number: 11/001055/5
- Bachelor of Fine Arts in Interactive Design and Game Development  
QR Registration Number: 11/001056/5
- Bachelor of Fine Arts in Motion Media Design  
QR Registration Number: 11/001057/5
- Bachelor of Fine Arts in Photography  
QR Registration Number: 11/001058/5
- Bachelor of Fine Arts in Visual Effects  
QR Registration Number: 11/001059/5

#### **QF Level 6**

- Master of Arts in Graphic Design  
QR Registration Number: 11/001060/6
- Master of Arts in Interactive Design and Game Development  
QR Registration Number: 11/001061/6
- Master of Arts in Photography  
QR Registration Number: 11/001062/6
- Master of Fine Arts in Graphic Design  
QR Registration Number: 11/001063/6
- Master of Fine Arts in Interactive Design and Game Development  
QR Registration Number: 11/001064/6
- Master of Fine Arts in Photography  
QR Registration Number: 11/001065/6

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## ACCREDITATION

The following SCAD Hong Kong degree programs are accredited by HKCAAVQ and are recognized on the QF with a validity period of January 1, 2013 to December 31, 2017:

### **QF Level 5**

- Bachelor of Fine Arts in Fashion
  - QR Registration Number: 11/000159/L5
- Bachelor of Fine Arts in Fashion Marketing and Management,
  - QR Registration Number: 11/000160/L5
- Bachelor of Fine Arts in Interior Design
  - QR Registration Number: 11/000161/L5
- Bachelor of Fine Arts in Painting
  - QR Registration Number: 11/000162/L5
- Bachelor of Fine Arts in Sequential Art
  - QR Registration Number: 11/00063/L5

### **QF Level 6**

- Master of Arts in Luxury and Fashion Management
  - QR Registration Number: 11/000164/L6
- Master of Fine Arts in Luxury and Fashion Management
  - QR Registration Number: 11/000165/L6

### **Council for Interior Design Accreditation**

The interior design program leading to the Bachelor of Fine Arts degree in Atlanta and Savannah is accredited by the Council for Interior Design Accreditation, accredit-id.org, 206 Grandville Ave., Suite 350, Grand Rapids, Michigan 49503.

### **South Carolina Commission on Higher Education**

SCAD is licensed by the South Carolina Commission on Higher Education (1122 Lady St., Suite 300, Columbia, S.C. 29201; telephone number 803.737.2260). Licensure indicates only that minimum standards have been met; it is not an endorsement or guarantee of quality. Licensure is not equivalent to or synonymous with accreditation by an accrediting agency recognized by the U.S. Department of Education.

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## INTRODUCTION

### **Mission**

The Savannah College of Art and Design exists to prepare talented students for professional careers, emphasizing learning through individual attention in a positively oriented university environment.

### **Vision**

The Savannah College of Art and Design, an institution with distinctive yet complementary locations, will be recognized as a leader in defining art and design education. By employing innovation in all areas, SCAD will provide a superior education through talented and dedicated faculty and staff, leading-edge technology, advanced learning resources and comprehensive support services.

### **Values**

- Being a student-centered institution.
- Providing an exceptional education and life-changing experience for students.
- Demonstrating quality and excellence in every aspect of operations.
- Sustaining a respectful and honest university environment.
- Growing while continually improving.
- Being innovative and results-oriented.
- Promoting a cooperative team spirit and a positive “can-do” attitude.
- Going the “extra mile.”

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## EMPLOYMENT POLICIES

### **101: Employment at Will**

All staff employees are hired on an at-will basis. In accordance with federal and state laws, the employee or the university may, at any time, terminate the employment relationship, with or without notice or cause.

### **102: Nondiscrimination Policy**

SCAD does not discriminate on the basis of age, race, color, sex, sexual orientation, gender identity, religion, national or ethnic origin, disability or veteran status in any phase of its employment process, in any phase of its admission or financial aid programs, or other aspects of its educational programs or activities.

Questions or concerns regarding this policy should be directed to your human resources generalist.

### **103: Sex-based Discrimination, Sexual Harassment, and Sexual Misconduct**

It is SCAD's policy to maintain an environment for students, faculty and staff members that is free of sex-based discrimination and harassment, including sexual misconduct. All members of the SCAD community should be aware that SCAD does not tolerate sex-based discrimination and harassment, including sexual misconduct, and is prepared to take prompt remedial action to prevent and address such behavior and remedy its effects.

Sex-based discrimination and sexual harassment include discrimination and harassment on the basis of sex, gender, gender identity, sexual orientation, marital status, or any other protected characteristic related to sex or gender or federal, state or local law. Sexual misconduct is a specific form of sexual harassment and is strictly prohibited by the university. Retaliation is prohibited against any person who reports, complains about, or who otherwise participates in good faith in any matter related to the foregoing.

SCAD's sex-based discrimination, sexual harassment, and sexual misconduct policy addresses SCAD's commitment to addressing sex-based discrimination, sexual harassment, including sexual misconduct, and can be found in its entirety at <http://www.scad.edu/sexual-harassment-policy>.

### **104: Equal Employment Opportunity**

Savannah College of Art and Design provides equal employment opportunities to all employees and applicants for employment without regard to sex, race,

color, national origin, age, marital or parental status, disability, religion, veteran status, or status in any group protected by applicable laws. This policy applies to all terms and conditions of employment including, hiring, placement, promotion, termination, transfer, leave, compensation and training.

The university expressly prohibits any unlawful discrimination or harassment that affects tangible job benefits, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile work environment. Violations of this policy may result in disciplinary action up to and including termination.

### **105: Americans with Disabilities Act**

The university complies with the Americans with Disabilities Act (ADA) as amended by the ADA Amendments Act (ADAAA), and all applicable state and local fair employment practices laws, and is committed to providing equal employment opportunities to qualified individuals with disabilities. Consistent with this commitment, SCAD will provide reasonable accommodations to qualified individuals with a disability so that they can perform the essential functions of a job unless doing so poses a risk to the safety of the individual or others in the workplace or the accommodation creates an undue hardship to the university.

#### **Requesting a Reasonable Accommodation**

If you believe you need an accommodation because of your disability, you are responsible for requesting a reasonable accommodation from the benefits department. You may make the request orally or in writing. SCAD encourages employees to make their request in writing and to include relevant information, such as:

- A description of the accommodation you are requesting.
- The reason you need an accommodation.
- How the accommodation will help you perform the essential functions of your job.

After receiving your oral or written request, SCAD will engage in an interactive dialogue with you to determine the precise limitations of your disability and explore potential reasonable accommodations that could overcome those limitations. SCAD encourages you to suggest specific reasonable accommodations that you believe would allow you to perform your job. However, SCAD is not required to make the specific accommodation requested by you and may provide

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## EMPLOYMENT POLICIES

an alternative, effective accommodation, to the extent any reasonable accommodation can be made without imposing an undue hardship on SCAD.

### Medical Information

If your disability or need for accommodation is not obvious, SCAD may ask you to provide supporting documents showing that you have a disability within the meaning of the ADA and applicable state or local laws, and that your disability necessitates a reasonable accommodation. If the information provided in response to this request is insufficient, SCAD may require that you see a health care professional of SCAD's choosing, at SCAD's expense. In those cases, if you fail to provide the requested information or see the designated health care professional, your request for a reasonable accommodation may be denied.

SCAD will keep confidential any medical information that it obtains in connection with your request for a reasonable accommodation.

The Genetic Information Nondiscrimination Act of 2008 prohibits employers, and other entities covered by GINA Title II, from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by GINA. To comply with this law, SCAD asks that to the extent possible, employees requesting accommodations under this policy do not provide any genetic information when responding to requests for medical information. "Genetic information" under GINA includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

### Determinations

SCAD makes determinations about reasonable accommodations on a case-by-case basis considering various factors and based on an individualized assessment in each situation. SCAD strives to make determinations on reasonable accommodation requests expeditiously, and will inform the individual once a determination has been made. If you have any questions about a reasonable accommodation request you made, please contact the benefits department

### No Retaliation

Individuals will not be retaliated against for requesting an accommodation in good faith. SCAD expressly prohibits any form of discipline, reprisal, intimidation or retaliation against any individual for requesting an accommodation in good faith.

SCAD is committed to enforcing this policy and prohibiting retaliation against employees and applicants who request an accommodation in good faith. However, the effectiveness of our efforts depends largely on individuals telling us about inappropriate workplace conduct. If employees or applicants feel that they or someone else may have been subjected to conduct that violates this policy, they should report it immediately to their human resources generalist. If employees do not report retaliatory conduct, SCAD may not become aware of a possible violation of this policy and may not be able to take appropriate corrective action.

### Administration of this Policy

The benefits department is responsible for the administration of this policy. If you have any questions regarding this policy or questions about disability accommodations that are not addressed in this policy, please contact the benefits department or your human resources generalist.

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## RECRUITMENT AND HIRING POLICIES

### **200: Recruitment and Hiring**

The university is required to comply with federal, state and local laws regarding recruitment and hiring. Positions are posted on SCAD's job site (scadjobs.scad.edu) and on various external sites. The human resources department is responsible for placing and managing all recruitment job advertising. All questions regarding recruitment and hiring must be directed to human resources.

### **201: Recruitment Process**

#### **Staff**

The human resources department is responsible for the recruiting and hiring of all full-time, part-time and temporary staff positions. Human resources staff work closely with hiring managers to determine the university's staffing needs on an ongoing basis. To be considered for a staff position, applicants must complete the application process online. Only complete applications are considered. Applicants also must submit a resume and cover letter for each position for which they apply.

#### **Faculty**

The human resources department is responsible for the recruiting and hiring of all full-time and part-time faculty. Human resources staff work closely with department leaders and the chief academic officer to determine the university's faculty needs on an ongoing basis. To be considered for a faculty position, applicants must complete the application process online and submit a cover letter, curriculum vitae, samples of their own and students' work (if applicable), and an unofficial copy of their transcripts showing their highest degree. Only complete applications are considered.

### **202: Other Service Providers**

In addition to employees, SCAD also engages other service providers to meet its business needs, including students, temporary workers, independent contractors and volunteers.

#### **Students**

SCAD receives certain federal funds to provide students with work-study opportunities. The university also provides students with various institutional employment opportunities. Any department wishing to hire students must contact the office of student employment before allowing any student to perform any services of SCAD. No work-study students may be hired to perform

services for the university that are in violation of work-study policies or general university employment policies. Questions regarding any work-study policies and procedures should be addressed to student employment at 912.525.5887 or stemploy@scad.edu.

#### **Temporary Employees**

Temporary employees may be hired as SCAD employees or may provide services through outside agencies. Hiring managers should contact their human resources generalist for assistance with hiring temporary employees. All temporary work must be approved in writing by human resources before the worker can perform any work or provide any service for SCAD. For additional information, refer to policy 401 in this handbook.

#### **Independent Contractors**

To ensure compliance with university policy and federal tax guidelines, all individuals and entities must be classified as either an employee or an independent contractor prior to providing services for the university.

In order to determine proper classification, department heads must complete a Service Provider Request Form and submit the form to [servicerequest@scad.edu](mailto:servicerequest@scad.edu) for review and approval by the business office. If the business office determines that the individual should be classified as an independent contractor, the department will receive written approval from the business office and be directed to the university attorney for assistance in preparing a written contract, as needed.

If it is determined that the individual cannot be classified as an independent contractor, but should be classified as an employee, the department will be directed to contact their human resources generalist for assistance. University employees who incorporate, and who in turn provide services to the university that are related to their primary job assignment, will not be classified as independent contractors solely because they have incorporated. For assistance with utilizing current employees to perform other services for SCAD outside their primary job, departments should contact their human resources generalist.

The service provider request form is available in MySCAD. For a copy of the Independent Contractor Policy, contact [servicerequest@scad.edu](mailto:servicerequest@scad.edu).

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## RECRUITMENT AND HIRING POLICIES

### Volunteers

A volunteer is anyone who, without compensation or expectation of compensation, performs a task at the direction of and on behalf of the university. The university may, at any time, for any reason, discontinue the volunteer assignment, or if deemed necessary, terminate the volunteer relationship with the volunteer. Departments must consult human resources prior to engaging a volunteer. Volunteers may require specific training, background checks or certification prior to providing any volunteer services.

### 202.1: Hiring Process

All positions must be approved through the human resources department prior to initiating the recruiting and hiring process. All incoming resumes and applications are screened by a human resources recruiter to determine if the job applicant meets the minimum requirements for the position, including education, experience and other pertinent requirements. Once a candidate has been released to the hiring manager and selected for an interview, the recruiter will schedule an interview with the candidate and hiring manager. The human resources recruiter should participate in all interviews. The hiring manager should not contact applicants or arrange interviews. Prior to being approved for hiring, a staff candidate is required to have a reference check and a faculty candidate is required to provide referral letters. The human resources recruiter is responsible for negotiating any details of the hire, including date of hire and compensation.

### 202.2: Background Checks

The university reserves the right to perform background checks, drug tests and other appropriate tests on all job applicants as a condition of their employment and on all current employees when they are considered for transfer or promotion.

### 202.3: Job Offers

The vice president for human resources is responsible for issuing written offers of employment to applicants before they begin work for the university. No university hiring manager or representative of the university, other than the president, the chief academic officer or the vice president for human resources has the authority to enter into any agreement for employment or to make any agreement contrary to this policy.

### 203: New Staff Orientation

Human resources staff members conduct new hire orientation and notify each new staff member of the dates and locations of orientation sessions. Orientation for full-time staff members consists of two parts:

#### 1. First day

- The first day of orientation is an extensive overview of the university, its mission, organization, points of pride, policies and practices, benefits and operations. Employees may also complete new hire paperwork including I-9 and payroll and tax forms.
- Employees receive information regarding group health, short-term disability, long-term disability, life insurance and other related benefits, as well as information regarding employee eligibility for participation in the plans.

#### 2. Second day

- On the second day of employment, new employees attend a class sponsored by the information technology department. This class gives new employees an overview of the university's computer and technology systems and policies.
- New employees are given a tour of SCAD facilities by the admission department.

Orientation does not cover the policies and procedures of individual departments. Department hiring managers are responsible for reviewing departmental procedures and specific job responsibilities with new employees in their departments.

### 301: Hours of Operation

The university workweek is Sunday through Saturday. Most offices are open Monday through Friday, 8:30 a.m. to 5:30 p.m. In order to accommodate the university's business needs, employees may be assigned to other or additional days and/or work hours, including evenings and weekends. Human resources must review and approve all requests for long-term change to any employee's workweek or regular schedule.

### Lunch

Most full-time employees are entitled to a one-hour lunch break each day. (Some staff may have 30-minute lunch breaks). In order to maintain coverage of departments, supervisors may stagger lunch times. Nonexempt employees who are required by their

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## JOB-RELATED POLICIES

supervisors to work through their lunch may be entitled to overtime pay. Lunch hours that are not taken cannot be accumulated for additional pay or used for compensatory or extra or other time off.

### **Breaks**

Georgia law does not require an employer to provide break times. Supervisors may, at their discretion, provide break times in their departments. The supervisor may set the number of breaks and the length of time of the breaks, so that the break time does not interfere with coverage of the department. The supervisor may deny break time in order to accommodate the university's business needs. Break times that are not taken cannot be accumulated for additional pay or used for compensatory or extra or other time off. If a supervisor allows break time, employees are encouraged to utilize break rooms or a location outside of the building.

Eating in public or shared workspaces is prohibited.

Employees should address questions about work hours, lunch times and breaks to their immediate supervisors or their human resources generalist.

### **301.1: Unscheduled University Closings, Schedule Changes, Weather, Emergency or Other Notifications**

When inclement weather or other unforeseen situations create a condition under which there might be a question as to whether the university would operate on a normal basis, faculty, staff and students will be notified via SCAD's automated notification system. SCAD's automated notification system will provide instructions during and after regularly scheduled working hours. All notifications apply to faculty, employees and students unless the employee has been designated by his or her supervisor to report in case of unscheduled university closings or other unforeseen situations. Notifications during unscheduled closings, schedule changes, weather, emergency or other circumstances may be posted on [scad.edu/blog](http://scad.edu/blog). Information regarding pay during unscheduled university closing, schedule changes, weather, emergency or other circumstances will be communicated to employees by the area vice president.

### **302: Attendance**

All employees should know and understand the university's attendance policies, their department's expectations and the procedures for notifying their

supervisor of an absence from work. All employees are expected to comply with the university's attendance and leave policies.

### **Reporting an Absence**

All employees are required to appear for work at their scheduled times and at their scheduled work sites. If an employee must be absent from work, including arriving late (tardy) or leaving work early, the employee must call his or her supervisor, as far in advance as possible, to report the absence. Employees are expected to call their supervisors each day that they are absent from work, unless prior arrangements have been made with their supervisors. When calling in, employees should speak directly with their supervisors, rather than a coworker, unless that individual has been officially authorized by the supervisor to accept call-in notices. No other person should call on behalf of an employee unless the employee is medically unable to call the supervisor.

Supervisors must immediately report to human resources any employee who is absent for three consecutive days.

### **Failure to Report an Absence**

Employees who fail to call in to report to their supervisor that they will be absent or late or leaving early or who otherwise fail to follow the university and their department's attendance policy may be subject to disciplinary action, up to and including termination. An employee who displays a pattern of attendance problems (often absent or late or asks to leave work early) may be subject to disciplinary action, up to and including termination.

### **Job Abandonment**

If an employee is absent for three (3) consecutive days, the employee's supervisor must immediately notify human resources. Human resources will determine if the employee has abandoned his or her position. An employee is considered to have abandoned his or her position if he or she fails to report for work for three (3) consecutive days and also fails to properly notify his or her supervisor. If the employee has abandoned the position, the university will terminate employment, effective the last day worked.

### **Attendance and the Family and Medical Leave Act**

If an employee is absent for three (3) consecutive days, the employee may be eligible for Family and Medical Leave (FMLA). The employee's supervisor must immediately notify human resources of any employee

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## JOB-RELATED POLICIES

who is absent for three (3) consecutive days. Human resources will determine if the employee is eligible for FMLA. (See also FMLA Policy.)

### **303: SCAD Card**

The SCAD Card is a multifunctional identification card issued to faculty, staff and students. Staff members are issued SCAD Cards upon employment with the university. Staff members are required to show their SCAD Card to access all university buildings. The university reserves the right to deny entrance to any building or event if an employee cannot produce their card.

Staff members also can utilize the SCAD Card to access meal plans and personal SCAD debit accounts, check out library books and other university materials, attend university-sponsored events and shop in certain downtown retail establishments.

SCAD Cards are the property of SCAD and may be confiscated as a result of inappropriate conduct or abuse. Lending a SCAD Card to another person or failing to present it when requested by a university official is a violation of university policy and may result in disciplinary action. Lost or found SCAD Cards should be reported to SCAD Card services and university security. A fee may be charged for a replacement SCAD Card. Employees who terminate employment with the university must return their SCAD Card to human resources.

For information regarding other uses of the SCAD Card, contact human resources or visit the SCAD Card Web site by logging on to MySCAD.

### **304: MySCAD and Email**

MySCAD is the university intranet for students, faculty and staff. The Help Desk provides user names and passwords. A single login to MySCAD allows staff to access Webmail, announcements and a personal calendar on a customizable page.

Through MySCAD, employees may change their passwords; view their addresses, phone numbers and email addresses; sign up for additional network services; make pledges, make pledge payments or gifts to the university, and view their giving history; access information from the Banner online database; and view staff and faculty rosters, university forms and policies. Employees may also view their time sheets, time off benefits, annual leave information, pay stubs, and W2 and T4 forms and W4 data.

Upon hire, every employee is assigned a SCAD

email and a MySCAD account. Employees must use their SCAD email for all university-related business, including communicating with students and with other university employees and faculty. It is each staff member's responsibility to access his or her email account on a daily basis and respond to emails timely and appropriately.

For more information about technology and technology policies, see the Technology Policy section of this handbook or call the Help Desk at 912.525.4567.

### **305: Personal Appearance of Employees**

The university considers all employees to be professional and expects that all employees will maintain a professional appearance. Employees are required to dress in business attire, uniforms or other attire specific to their positions. All attire must be clean and neat. Employees should follow these guidelines:

- **Women:** Appropriate business attire includes dress pants, khaki pants, skirts, dresses, suits, blouses, sweaters, sweater sets and dress shoes.
- **Men:** Appropriate business attire includes dress pants, khaki pants, business suits, business casual collared shirts, sport coats and dress shoes.

Some areas of the university have a department specific dress code that requires additional guidelines. This may include items with the SCAD logo such as polo shirts or athletic apparel. In addition, supervisors may require employees to cover tattoos or certain body piercings depending on the employee's position.

Professional attire does NOT include the following and is inappropriate to wear (applies to both men and women):

- All denim attire, including jeans, trousers, jackets, jeggings, shirts and skirts (unless otherwise noted by your department.)
- Casual wear such as overalls, painter's, capri and low-rise pants; cutoffs, shorts or skirts; tank, halter, midriff or tube tops
- Beach wear
- Exercise or athletic attire (unless otherwise noted by your department)
- Excessively tight, short, revealing, baggy or sloppy clothing
- See-through clothing
- Clothing that is ripped, torn, frayed or stained (whether by design or by wear and tear)
- Clothing with offensive, harassing or political materials

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## JOB-RELATED POLICIES

- T-shirts (such as undershirts) unless issued by SCAD for a specific event or otherwise noted by your department.
- Athletic shoes, sneakers, flip-flops, house slippers or other inappropriate footwear
- Hats or caps inside buildings

Supervisors are responsible for administering and upholding the dress code standard of their employees and should address dress and appearance concerns in a timely manner.

Employees should address questions regarding appropriate dress to their supervisors or to their human resources generalist.

### **306: Outside Employment**

Employees, including part-time and 9-, 10- and 11-month status employees, must contact human resources before engaging in any employment outside the university. Employees may not engage in any outside activity that in any way conflicts with their university employment, adversely affects their job performance, or otherwise prevents them from fulfilling their obligations to the university.

An employee may not use paid leave or unpaid leave (including FMLA leave) to work on an outside job. All questions regarding outside employment should be addressed with human resources.

### **307: Additional SCAD Employment**

Current employees may perform additional work, outside of their primary duties, and receive additional compensation for all additional work performed, upon written approval of their vice president and human resources.

Additional work is:

- separate and distinct from the employer's regular duties and responsibilities within his/her current position;
- considered additional duties not directly related to the employer's primary job and cannot be performed during the employee's normal working hours or interfere with employer's regular duties;
- temporary (performed for a specific, short-term period of time); or
- classified as taxable service(s), e.g., commissioned artwork or design.

Before a current employee performs any additional work or services for SCAD, the supervisor who needs

the employee to perform the work, must complete an Additional Work Request form, obtain the appropriate written approvals and submit the request to [additionalwork@scad.edu](mailto:additionalwork@scad.edu), for review and approval by human resources. The additional work request form is available in MySCAD under the Resources tab, Forms channel and Human Resources listing.

Supervisors must adhere to the additional work compensation guidelines below:

- Students may provide services for the university as SCAD employees, work-study employees, or as independent contractors. To determine the appropriate status for a student supervising staff members should contact the student employment office at [stemploy@scad.edu](mailto:stemploy@scad.edu).
- Nonexempt (hourly) employees must enter all hours worked for their regular position in the web time entry system in accordance with the biweekly pay calendar.
- Nonexempt (hourly) employees who perform additional work must record all additional work hours on separate paper themselves and forward the timesheets to payroll in accordance with the biweekly pay calendar.
- Nonexempt (hourly) employees are paid for all hours worked and are entitled to overtime pay for all hours worked over 40 hours that they work in a single work week (Sunday through Saturday).
- Exempt (salaried) employees are paid for additional work after all additional work has been completed.
- Exempt (salaried) employees are not eligible for overtime.
- All pay for additional work will be made by direct deposit to the employee's designated account. Payroll will withhold all applicable taxes and other amounts as required.
- An employee may not use any paid leave or unpaid leave (including FMLA leave) to perform additional work for the university.

Questions regarding additional work and pay should be addressed to [additionalwork@scad.edu](mailto:additionalwork@scad.edu) or to a human resources generalist.

### **308: Special Projects**

The university reserves the right to assign employees to special projects or other duties in order to meet the needs of the university. The duration of such assignments is within the discretion of the university.

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## JOB-RELATED POLICIES

### **309: Staff Learning and Development**

SCAD supports employee learning and development as an important tool in the retention of university staff and in fulfilling the mission of the university. Human resources is responsible for identifying and coordinating individual and group learning and development (both in-house and outside) for employees, negotiating costs for learning and development, and enrolling and tracking employee participation in learning and development classes or programs. Individual staff should contact their supervisors to determine what learning and development is appropriate for their department or their professional development. Supervisors should then contact human resources to discuss department needs.

In some instances, the university may require an employee who receives outside training and development to complete the training within a required time frame and to continue employment for a specified period of time following the end of the training. Employees who fail to complete training or employment requirements may be required to reimburse the university for the training costs and/or expenses.

### **310: Performance Reviews**

Department supervisors conduct performance reviews as often as warranted by the job situation and the employee's performance. Generally however, performance reviews are conducted on an annual basis. Performance reviews are based on an employee's overall job performance, including employee conduct, attendance, and overall support of the university's mission. Employees who are 9-, 10- and 11-month status continue to be evaluated on an annual basis.

Questions or concerns regarding performance reviews should be directed to a human resources generalist.

### **311: Promotions**

The university may, at its discretion, promote an employee to a higher position in their department or another department. Supervisors, vice presidents and human resources will determine job requirements and eligibility for promotions. However, all promotions must be based on the business needs of the university. An employee must meet the minimum qualifications and job requirements for the position.

A supervisor who seeks to promote an employee should work with his or her human resources generalist

to initiate the action through the university's approval process. The current department vice president of that area must support the request, and the vice president for human resources must approve all promotion requests. Human resources will inform the supervisor when the request has been approved or denied. If the request for promotion is approved, human resources will notify the employee in writing of their new position and compensation. If the request for promotion is not approved, human resources will inform the supervisor in writing that their request for promotion was denied.

### **312: Transfers**

Employees must work for at least one year in their current position before seeking another position with the university. The university however may, in its sole discretion, transfer an employee at any time in order to meet the university's business needs. The vice president for human resources must approve all transfers.

Employees who wish to transfer or be considered for another position must apply for the position through scadjobs.scad.edu. If the employee meets the job qualifications and requirements, human resources will schedule an interview between the employee and the department hiring manager. If the hiring manager and human resources are interested in making an offer, human resources will contact the employee's current supervisor and vice president to conduct a reference check. If an employee has performance issues, a transfer should not be granted until all performance issues have been resolved.

The human resources department will extend any employment offer to the employee in writing. If the employee accepts the offer, human resources and the employee's current vice president will negotiate an acceptable transfer date. Salaries for employees transferred to another position will be determined by the compensation department. Employees may experience a salary increase, decrease, or no salary change.

### **313: Employee Files**

Human Resources maintains the official files of employees, applicants and former employees. All university files are confidential; only authorized personnel may have access to employee files. Human resources will not release personal information, including but not limited to, home address, telephone, personal email, etc. unless required by law.

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## JOB-RELATED POLICIES

Current employees who wish to review their files must contact human resources to schedule a mutually convenient time to review their files. Employees may not copy or remove files from the human resources office, nor may they review the files in the absence of a human resources official. Copies are released only pursuant to a properly served subpoena or court order.

### **314: Updating Employee Records**

Employees are required to update their office mailing address and phone number; home address and phone number; marital status; emergency contact(s) or other related personal information on MySCAD within 30 days of a change. In addition, information regarding the receipt of any degrees, publications, honors, etc. must be forwarded to the appropriate human resources generalist for entry into the employee's file.

### **315: Arrests, Warrants and Convictions**

If a law enforcement officer comes onto university property to serve a warrant on or to arrest an employee, he or she should immediately be directed to the human resources department (Clinard Hall or Granite Hall in Savannah) and a supervisor should be notified. If a law enforcement officer comes onto university property for the purpose of serving a warrant on a student or making an arrest, the dean of students should be contacted.

An employee who is arrested must immediately notify his or her supervisor and human resources. An employee cannot use accrued annual leave if he or she is unable to work due to an arrest or conviction of a crime. An employee who is arrested may be terminated from employment depending on the circumstances of the situation, the nature and gravity of the alleged offense, the job-relatedness of the alleged offense, and the ability of the employee to continue regular and reliable attendance during the pendency of any criminal proceeding. The university reserves the right to temporarily modify an employee's terms of employment, including but not limited to, essential job duties, and access to university vehicles, property or equipment during the pendency of any criminal proceedings. The university reserves the right, in its sole discretion, to terminate an employee's employment if, based on these considerations, it determines the employee is not currently suitable for continued employment.

Conviction of a crime may render an employee unsuitable for continued employment. In considering

whether an employee's conviction will disqualify the employee from continued employment, the university will consider the circumstances of the situation, the nature and gravity of the offense, the job-relatedness of the crime, and the employee's ability to continue regular and reliable attendance following the conviction. The university reserves the right to terminate employment if an employee is convicted of a crime, regardless of whether or not the crime occurred on university time or property. The employee must notify the vice president for human resources of the conviction within five days of the conviction.

### **316: Visas, Immigration, Passports**

Human resources advises faculty and staff on all visa and immigration matters, serves as the key resource for departments hiring international faculty and staff, and advises faculty and staff traveling outside the United States.

- **Nonimmigrant Visas:** Faculty and staff are advised that the university is not required to pay any costs (such as legal and/or out-of-pocket) associated with nonimmigrant visa applications. However, the university reserves the right to assist with the payment of certain fees (such as filing fees). Each application will be handled on a case-by-case basis. Faculty and staff are advised that human resources tracks visa expirations, but it is the employee's responsibility to inform human resources six months prior to the expiration of his or her visa.

- **Permanent Residency:** Faculty and staff are responsible for paying all costs associated with the processing of permanent residency applications.

- **Passports:** Faculty and staff are advised that passport renewals are the sole responsibility of the employee. United States citizens who need visa or passport information should contact the United States Department of State or their local passport office. Non-United States citizens should contact their National Embassy in Washington, D.C., or the appropriate office in their country for assistance.

All employee immigration issues and inquiries should be directed to human resources at [immigration@scad.edu](mailto:immigration@scad.edu). All student visa, immigration and passport issues should be addressed to the international student services office at [isso@scad.edu](mailto:isso@scad.edu) in Savannah and [issoatl@scad.edu](mailto:issoatl@scad.edu) in Atlanta.

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## EMPLOYMENT CLASSIFICATIONS AND COMPENSATION

### **401: Classifications**

All SCAD employees are classified as either nonexempt or exempt under state and federal wage and hour laws.

#### **Nonexempt**

Nonexempt staff positions are positions that are subject to certain provisions of the FLSA and are entitled to overtime pay. The university maintains hourly time records and calculates pay on an hourly basis for nonexempt employees. Hourly paid positions are entitled to overtime pay—at 1.5 times the employee's regular pay rate—for all hours worked beyond 40 in a single workweek. Paid-time-off hours such as annual and holiday time do not count toward the 40-hour threshold for overtime eligibility. These jobs are sometimes referred to as "hourly" positions.

#### **Exempt**

Exempt positions are positions that are exempt from certain provisions of the Fair Labor Standards Act (FLSA) and are not entitled to overtime pay. These positions are generally administrative, managerial, technical or professional positions. Exempt employees receive a fixed annual salary, which is paid on a biweekly basis. Hours worked beyond 40 in a week do not result in additional pay. These jobs are sometimes referred to as "salaried" positions.

SCAD periodically reviews positions in order to ensure that they are properly classified in compliance with federal and state requirements. If SCAD determines that a position must be reclassified, the employee in the position and the supervisor will be notified in writing of the change.

### **402: Categories**

SCAD utilizes the following employment categories for purposes of salary administration and eligibility for employee benefits:

#### **Full-time**

Full-time employees are regularly scheduled to work at least 40 hours per week. Full-time employees may be exempt or nonexempt. Full-time employees are eligible for university employee benefits in accordance with applicable policies. Employees who work 30 hours per week may be eligible for health benefits.

#### **Part-time**

Part-time employees are regularly scheduled to work

less than 25 hours per week. Part-time employees are not eligible for university employee benefits.

Certain federal immigration regulations impact scheduling for part-time employees who also are defined as full-time students at SCAD. Students in the United States on F1 visas may work on campus no more than 20 hours per week while school is in session. Per immigration regulations, a student on an F1 visa may, however, work on campus more than 20 hours per week when school is not in session or during the annual vacation (typically, but not limited to, summer quarter).

#### **402.1: 9-, 10-, 11- and 12- month positions**

In order to meet the needs of the university, SCAD reserves the right to designate any position(s) as 9-month, 10-month, 11-month or 12-month at any time. Positions that are designated as 9-, 10- or 11-month have designated working and non-working periods.

- Working period: When an employee performs duties for the university.
- Non-working period: When an employee does not perform duties for the university for a limited and defined period.

##### **A. 12-month Status**

Employee working period is 12 months per year with no designated non-working period.

##### **B. 11-month Status**

Employee working period is 11 months per year with a designated non-working period lasting 160 hours, the equivalent of 2 consecutive pay periods. Any adjustments to the non-working period must be approved by human resources.

##### **C. 10-month Status**

Employee working period is 10 months per year with a designated non-working period lasting 320 hours, the equivalent of 4 consecutive pay periods. Non-working periods can be divided into 2 separate non-working periods during the year if supported by business need. Any adjustments to the non-working periods must be approved by human resources.

##### **D. 9-month Status**

Employee working period is 9 months per year with a designated non-working period lasting 480 hours, the equivalent of 6 consecutive pay

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## EMPLOYMENT CLASSIFICATIONS AND COMPENSATION

periods. Non-working periods can be divided into 3 separate non-working periods during the year if supported by business need. Any adjustments to the non-working periods must be approved by human resources.

### **402.2: Temporary**

Temporary employee positions are short assignments for a specific time-limited duration not to exceed 364 consecutive calendar days and may be full time or part time positions. Temporary employees are required to adhere to all university policies and procedures in the course of their employment. Temporary employees are not eligible for university employee benefits. Temporary staff may be separated from a position for a minimum of 100 days prior to being rehired in the same or similar temporary position. This policy applies to temporary staff hired through an outside agency and SCAD hired temporary employees. All requests for temporary employees should be directed to human resources for review and approval.

### **403: Compensation**

The department of human resources administers SCAD's compensation programs. Compensation includes salary and benefits (such as paid leave). It is the policy of the university to pay compensation that is competitive, taking into consideration the university's financial condition and the employee's job performance. Questions regarding compensation should be directed to the compensation department in human resources.

### **403.1: Overtime Pay**

Many of the university's positions require overtime in order to fulfill the university's mission of service to its students. The university complies with the Fair Labor Standards Act regulations regarding payment of overtime to eligible employees.

- Nonexempt staff are entitled to overtime pay for all hours over 40 that they work in a single workweek. Supervisors must authorize, in advance, any and all over-time hours that a nonexempt employee anticipates working in a single workweek. All overtime worked will be paid; however, employees who work unauthorized overtime may be subject to discipline, up to and including termination.
- Exempt staff are not eligible for overtime pay. Exempt staff are, however, expected to work additional hours as needed to fulfill their job responsibilities.

The university does not grant compensatory time off to exempt or nonexempt employees. Supervisors may reassign work days if a staff member is needed to work on a day or time other than their regular scheduled work day. Such reassignment however:

- should occur in the same work week only
- should not be granted as a substitute for working overtime hours

Questions regarding overtime and compensatory time should be addressed to the department's human resources generalist.

### **403.2: Payroll**

Employees of the university are required to participate in the direct deposit program for payroll.

Payroll is administered in accordance with the bi-weekly payroll calendar published yearly in MySCAD.

Employees may choose multiple banking institutions and designate the types of accounts (i.e., checking, savings or money market) where they wish to have their pay deposited. Payroll deposits are made on Fridays. If Friday is a banking holiday, pay is deposited on the preceding Thursday.

There are 26 pay periods in a calendar year for all 12-month status exempt and non-exempt employees.

There are 24 pay periods in a calendar year for all 11-month status exempt and non-exempt employees.

There are 22 pay periods in a calendar year for all 10-month status exempt and non-exempt employees.

There are 20 pay periods in a calendar year for all 9-month status exempt and non-exempt employees.

Employees' direct deposit information is stored and must be updated by the employee in MySCAD. The university does not grant requests for early paychecks or pay advances. Employees can view direct deposit statements in MySCAD for each pay period worked for the previous three (3) months.

Employees are advised that non-direct deposit checks are sent to the employee's current mailing address in the Banner system. Non-direct deposit checks that are lost, undelivered, or otherwise not received or not cashed by employees are subject to cancellation. Replacement checks are subject to a replacement fee, paid by the employee or former employee.

Final paychecks for employees who terminate employment are directly deposited in accordance with the applicable bi-weekly pay calendar.

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## EMPLOYMENT CLASSIFICATIONS AND COMPENSATION

Questions regarding direct deposit should be directed to the payroll department at [payroll@scad.edu](mailto:payroll@scad.edu) or 912.525.5753.

### **403.3: Time Sheets and Leave Forms**

The university's payroll department maintains official payroll records, including time reports, for all employees. Supervisors may maintain departmental time cards and other internal records; however, these are not substitutes for official time reports. Official time reports, pay calendars, and other pay and leave forms are available on MySCAD and from the payroll department. For information about electronic time reporting, refer to the web time entry users guide and FAQs located in MySCAD.

#### **Time Sheets**

Nonexempt (hourly) full-time and part-time staff are required to submit bi-weekly time reports in web-time via MySCAD or on paper time sheets, as applicable, for each pay period worked, to the payroll department. In order to be paid in a timely manner, staff must follow these steps:

- Employees must complete and sign his or her own time sheet. Employees may not give their time sheets to a co-worker or another employee to complete.
- Except where paper time sheets are authorized, employees must submit biweekly time sheets using the web time entry option in MySCAD. Employees must sign the electronic time sheet by entering their MySCAD PIN upon submission.
- By signing and submitting their time sheet each pay period, employees verify that they have recorded all hours worked and that the time sheet is a true and correct statement of all hours worked.
- For each single workweek, employees must record all hours actually worked and all hours taken as leave (including annual leave, floating holidays or birthday holiday, bereavement or any other leave hours). SCAD defines a work week as Sunday through Saturday.
- Employees must record no fewer than 40 hours (the total hours worked and the total leave used, if applicable) for each single workweek.
- Employees may not combine single weeks together. Each workweek stands alone and must be treated separately.
- Employees should submit time reports or paper

time sheets to their supervisor to review and to sign. Employees should not give their time sheet to a co-worker or another unauthorized employee to sign; if they do so, they may be subject to discipline up to and including termination. Electronic time sheets are routed to the employee's supervisor.

- Employees submitting manual, or paper, timesheets, should scan and email their paper timesheets to the payroll office at [payroll@scad.edu](mailto:payroll@scad.edu) in accordance with the biweekly payroll calendar deadline. (Some department supervisors assign one employee in the department to send all time sheets to payroll.)
- Employees should print and retain a copy of their signed and approved web time sheets and/or manual time sheet for their files, as well as a copy of the email verifying the date the time sheet was submitted to payroll.

Falsification of time records, or another employee's time records, including omissions of time worked or leave taken, is a violation of university policy and may result in immediate termination. Employees are responsible for ensuring the accuracy of the time recorded on their time sheets. Any recorded time found to be in error must be immediately brought to the attention of the payroll office.

Supervisors must complete time sheets for staff who are absent from work and unable to complete their time sheets (for example, employees who are on FMLA or military leave).

Time sheets that are not properly completed, signed and submitted in a timely manner may result in a delay in receipt of payroll funds until the following pay period. In addition, annual leave time does not accrue if time sheets are not submitted in a timely manner.

#### **Leave Forms**

Part-time nonexempt (hourly) employees who submit an approved time sheet to the payroll department after the submittal deadline but before the payroll cycle is closed, will be paid for any hours of work at the federal minimum wage rate, unless on leave without pay. Any adjustments or additional amounts due will be processed in the next available pay cycle. Part-time nonexempt (hourly) employees who do not submit an approved time sheet to the payroll department by the submittal deadline, and after the payroll cycle has closed, will be paid for any hours of work in the next available pay cycle at his or her regular rate of pay.

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## EMPLOYMENT CLASSIFICATIONS AND COMPENSATION

The time sheet deadlines are published on the biweekly payroll calendar, which is available in MySCAD. The deadlines also are displayed on each web time sheet within the web time entry system. As a general rule, the submittal deadline, or deadline to submit time sheets for supervisor approval, is noon on the deadline date. The approval for supervisors to approve the time sheet(s) is 5:30 p.m. on the same day.

Full-time, exempt (salaried) staff are not required to submit time reports for each pay period worked.

Salaried employees are required to verify all leave taken on a bi-weekly basis using the web leave report option in MySCAD, except where paper leave reports are authorized by payroll. The web leave reporting system records and reports leave taken and is not intended to be used for requesting leave. Salaried employees should obtain approval from their supervisor in advance of taking leave. The method of requesting leave varies by department and/or area vice president. Salaried employees should consult their supervisor to learn their expectations in regard to requested leave. Salaried employees are not required to report leave for partial day absences.

### **403.4: Employment and Salary Verifications**

Employment verification is handled through the payroll department. Employees must provide written authorization to payroll for salary verifications. Only confirmation of employment dates may be provided to outside sources without authorization. All verification requests should be directed to payroll@scad.edu.

### **403.5: Employee Performance Bonus Plan**

The university has a formal performance-based bonus program. Vice presidents for each area have an opportunity to nominate employees, twice a year, to receive a bonus in addition to their annual compensation. Information regarding the program is available in MySCAD.

### **403.6: Garnishments**

The university must comply with all notices to garnish an employee's wages. This includes notices of tax liens and other court orders for deductions. As with deductions for child support, the amount deducted is reflected on the employee's payroll statement. Federal and state laws generally prohibit the discharge of an employee because his or her earnings have been subject to garnishments.

Georgia law requires the university to report all new hires not more than 10 days after the employee begins work. If the university receives an order for child support payments, the amount of the payment is deducted from the employee's paycheck. The amount deducted is reflected on the employee's payroll statement.

### **403.7: Salary Deductions**

The university's payroll office makes voluntary and involuntary deductions from employee pay in accordance with federal and state laws:

#### **Allowable deductions from exempt employee pay:**

- Legally required deductions such as federal and state taxes and FICA taxes
- Benefit deductions authorized by the employee
- If employee is absent from work for one or more full days for personal reasons other than sickness or disability
- If employee is absent for one or more full days for sickness or disability, if deduction is made in accordance with a bona fide plan or policy or practice that provides compensation for salary loss due to illness
- To offset amounts employee receives for jury duty or witness fees or military pay
- For penalties imposed for violations of safety rules of major significance
- For unpaid disciplinary suspensions of one or more full days imposed in good faith for workplace conduct rule violations
- For weeks in which employee takes unpaid leave under the Family and Medical Leave Act

#### **Examples of improper deductions from exempt employee pay:**

- For variations in quality or quantity of work performed
- For a partial-day absence, for example, to attend a parent-teacher conference
- For one day of pay because the employer was closed due to inclement weather
- Partial workweek deductions because the employee was absent from work less than a week because of jury duty, rather than offsetting amounts received for jury duty
- For a two-day absence due to a minor illness when employer does not provide wage-replacement benefits for such absences

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## EMPLOYMENT CLASSIFICATIONS AND COMPENSATION

### Concerns or Complaints About Improper Salary

#### Deductions

The university prohibits improper deductions from exempt and nonexempt employee pay and reimburses employees upon notice that an improper deduction has been made from an employee's pay. The following procedures are designed to address complaints or concerns regarding improper deductions from an employee's pay.

1. Employees who believe that an improper deduction has been made from their pay should notify the human resources department immediately at:

Employee Relations Manager  
Savannah College of Art and Design  
P.O. Box 3146  
Savannah, GA 31402-3146  
912.525.5546

2. Employees should provide the following information with the complaint:

- Name
- Job title
- Email address
- Work phone number
- Supervisor's name and title
- Amount of the deduction
- Pay period in which the deduction was made
- Description of the deduction

3. Upon receipt of the complaint, the human resources and payroll departments will:

- Investigate the complaint and determine if an improper deduction has been made
- Notify the employee of the results of the investigation within 10 business days of receipt of the complaint
- Reimburse the employee for the total amount deducted if it is found that an improper deduction has been made

The university makes every effort to comply with the FLSA and promptly investigates all reports of errors and improper deductions. Any improper deductions are promptly corrected.

## LEAVE AND HOLIDAY POLICIES

### 501: Leave and Holidays

The university's leave and holiday policy provides time off for eligible staff employees to use for vacation, sick or other personal time off. Time off may include annual leave, bereavement leave, jury and witness leave, military leave, voting leave, medical leave without pay, Family and Medical Leave, university holidays, floating holidays, and birthday holidays.

Except where leave is unforeseen, employees must request use of all leave in advance from their supervisors. Employees who may require time off under the medical leave without pay policy and the Family and Medical Leave Act must request the leave at least 30 days in advance from the human resources department.

Supervisors may not advance leave, grant leave without pay, or grant any leave that is not in accordance with university policies.

The payroll department maintains the official leave records of employees; however, supervisors are responsible for maintaining internal leave records for their departments and for approving employee leave requests. Employees should keep copies of their approved time sheets and approved leave request forms. Leave balance information may be obtained by logging on to MySCAD.

#### 501.1: Annual Leave

##### A. Accrual of Annual Leave

Annual leave is paid leave for eligible exempt and nonexempt staff.

##### I. 12-month Full-time Staff

Eligible 12-month full-time exempt (salaried) and nonexempt (hourly) staff accrue annual leave starting with their first payroll check, on a biweekly basis, according to the following schedule.

| Years of Service | Accrued Annual Leave                              |
|------------------|---|
| 1-3              | 4.62 hours per pay period<br>(120 hours per year) |
| 3-7              | 6.15 hours per pay period<br>(160 hours per year) |
| 7+               | 7.69 hours per pay period<br>(200 hours per year) |

##### II. 11-month Full-time Staff

Eligible 11-month full-time staff accrue annual leave starting with their first payroll check, on a biweekly basis, according to the following schedule.

| Years of Service | Accrued Annual Leave  |
|------------------|---|
| 1-3              | Exempt: 4.23 hours per pay period;<br>Nonexempt: 4.58 hours per pay period<br>(110 hours per year)    |
| 3-7              | Exempt: 5.64 hours per pay period;<br>Nonexempt: 6.11 hours per pay period<br>(146.66 hours per year) |
| 7+               | Exempt: 7.05 hours per pay period;<br>Nonexempt: 7.64 hours per pay period<br>(183.33 hours per year) |

##### III. 10-month Full-time Staff

Eligible 10-month full-time staff accrue annual leave starting with their first payroll check, on a biweekly basis, according to the following schedule:

| Years of Service | Accrued Annual Leave  |
|------------------|---|
| 1-3              | Exempt: 3.85 hours per pay period;<br>Nonexempt: 4.55 hours per pay period<br>(100 hours per year)    |
| 3-7              | Exempt: 5.13 hours per pay period;<br>Nonexempt: 6.05 hours per pay period<br>(133.44 hours per year) |
| 7+               | Exempt: 6.42 hours per pay period;<br>Nonexempt: 7.55 hours per pay period<br>(166.8 hours per year)  |

##### IV. 9-month Full-time Staff

Eligible 9-month full-time staff accrue annual leave starting with their first payroll check, on a biweekly basis, according to the following schedule.

| Years of Service | Accrued Annual Leave   |
|------------------|--|
| 1-3              | Exempt: 3.46 hours per pay period;<br>Nonexempt: 4.50 hours per pay period<br>(90 hours per year)  |
| 3-7              | Exempt: 4.62 hours per pay period;<br>Nonexempt: 6.00 hours per pay period<br>(120 hours per year) |
| 7+               | Exempt: 5.77 hours per pay period;<br>Nonexempt: 7.50 hours per pay period<br>(150 hours per year) |

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## LEAVE AND HOLIDAY POLICIES

### V. Part-time Staff

#### **12-month Part-time Staff**

Most 12-month part-time staff accrue annual leave based on the number of hours worked in a pay period. Eligible part-time staff must work a minimum of 20 hours per pay period (10 hours per week) in order to accrue annual leave. Eligible part-time exempt (salaried) and nonexempt (hourly) 12-month staff accrue 2.31 hours per payday.

#### **11-month Part-time Staff**

Eligible exempt (salaried) part-time 11-month staff accrue 2.12 hours per pay period (55 hours per year). Eligible nonexempt (hourly) part-time 11-month staff accrue 2.29 hours per pay period (55 hours per year).

#### **10-month Part-time Staff**

Eligible exempt (salaried) part-time 10-month staff accrue 1.92 hours per pay period (50 hours per year). Eligible nonexempt (hourly) part-time 10-month staff accrue 2.27 hours per pay period (50 hours per year).

#### **9-month Part-Time Staff**

Eligible exempt (salaried) part-time 9-month staff accrue 1.73 hours per pay period (45 hours per year). Eligible nonexempt (hourly) part-time 9-month staff accrue 2.25 hours per pay period (45 hours per year).

### **B. Changes in Accrual Rates**

A full-time employee who transfers to a part-time position will cease accruing annual leave at the full-time rate of accrual and will accrue leave at the part-time rate of accrual, effective on the date of his or her transfer.

A part-time employee who transfers to a full-time position will cease accruing annual leave at the part-time rate of accrual and will accrue leave at the full-time rate of accrual, effective on the date of his or her transfer.

### **C. Use of Annual Leave**

Staff must obtain approval from their supervisors in order to use annual leave. Scheduling and approval of leave is based on the university's business needs. Employees may not use annual leave before it has been accrued. Employees are responsible for tracking their leave accruals and usage.

Nonexempt employees must record all approved leave taken on their biweekly time sheets. The

payroll department deducts used leave from the nonexempt employee's leave balance.

Except where authorized, exempt employees must submit leave taken using the leave report option in MySCAD. Upon the supervisor's approval of the electronic leave report, used leave is deducted from the exempt employee's leave balance.

### **D. Use of Leave During Non-Working Periods**

9-, 10- or 11-month employees should notify their human resources generalist at least four weeks before the start of their non-working period if they would like to utilize annual leave during the non-working period. Employees who wish to use annual leave in the same month that they return from their non-working period must receive written approval from human resources.

### **E. Carryover of Leave**

The university encourages employees to take leave in the year in which it is accrued. Staff employees may carry over a maximum of one year of accrued annual leave into their following anniversary year.

Any accrued annual leave in excess of the yearly maximum accrual will be forfeited on the employee's anniversary date. (For example: An employee accrues 120 hours of annual leave in 2014, but only uses 100 hours of annual leave. The remaining 20 hours may be carried over into 2015. The employee then accrues 120 hours of annual leave in 2015. At the end of 2015, the employee has a total of 160 hours of leave. However, the employee may only carry over 120 hours into 2016. The remaining 40 hours must be forfeited.) The payroll office automatically deducts leave, in excess of the maximum annual accrual, without notice to the employee, on the employee's anniversary date.

Staff who transfer to faculty positions will be paid all unused accrued annual leave on the pay date after the transfer.

Employees whose employment with the university ends may be paid for any unused accrued annual leave not to exceed a maximum accrual of 80 hours. Employees who voluntarily resign from their employment with the university must work the final two weeks following their notice of resignation to human resources in order to be paid any unused accrued annual leave.

### **F. Falsification of Records**

Falsification of employee leave records is a

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## LEAVE AND HOLIDAY POLICIES

violation of university policy. Employees are responsible for ensuring the accuracy of the leave recorded. Any recorded leave found to be in error must be immediately brought to the attention of the payroll office. Employees who falsify their own leave records or another employee's leave records may be immediately terminated from employment.

### **G. Payroll Forms**

Payroll forms, including biweekly time sheets, leave request forms and payroll calendars, may be obtained on MySCAD under the Resources tab, Forms channel and Payroll listing, or from the payroll office.

### **501.2: Bereavement Leave**

Full-time employees may be granted up to five days paid bereavement leave in cases of death in the immediate family (spouse, same sex domestic partner, father, mother, child, grandparent, grandchild, sister, brother, father-in-law, mother-in-law, sister-in-law or brother-in-law). These five days must be taken consecutively within a reasonable time of the date of death or date of the funeral. Leave may also be granted for absence in case of death of other than an immediate family member. Requests for leave should be made to the supervisor as soon as the need becomes known. Employee must record leave on their time sheet, in web time, or on leave report.

### **501.3: Jury and Witness Leave**

Employees who receive a summons to serve on a jury or a subpoena to serve as a non-expert witness are not required to use their annual leave and are paid for the time as if it had been worked. Court appearances of a personal nature must be taken as leave without pay or as paid annual leave if the employee has accrued annual leave and has arranged for the leave in advance with his or her supervisor. Employees must notify their supervisors as soon as possible of the need for jury or witness leave and provide a copy of the summons or subpoena for their supervisor's records supervisor's records to human resources. Employees must record jury and witness leave on their time sheet, in web time, or on leave report.

### **501.4: Military Leave**

Employees are granted time off to comply with military requirements in accordance with applicable

laws. Employees who are required to report for military duty must notify supervisors in advance, unless giving advanced notice is impossible. Supervisors must immediately notify human resources of employees who require military leave.

### **501.5: Voting Leave**

Employees are encouraged to vote during their non-work hours. However, employees may be granted up to two hours off with pay to vote, if they are unable to do so during non-work hours. Employees must receive approval in advance from their supervisors to take leave to vote. Employee must record leave on their time sheet, in web time, or leave report.

### **501.6: Leave Without Pay**

Supervisors may not advance leave, grant leave without pay, or grant any leave to an employee that is not in accordance with the university's policies. Employees who violate this policy may be disciplined up to and including termination. Only the vice president for human resources may grant leave without pay.

### **501.7: Medical Leave Without Pay**

Full-time staff who require leave for medical reasons may be eligible for medical leave without pay. Medical leave without pay is limited to a maximum of three workweeks (days must be taken consecutively), provided the employee meets all of the following criteria:

1. Has worked for the university for less than one year,
2. Does not have sufficient annual leave to cover the time off,
3. Is not eligible for any other leave (e.g. FMLA, STD, LTD) and,
4. Expects to return to work after expiration of the maximum of three weeks of leave.

Three workweeks of unpaid medical leave will not affect an employee's job or insurance benefits. Human resources requires written documentation from a health care provider to determine an employee's ability to return to work. Employees who are on approved medical leave without pay will not accrue any other leave benefits during their medical leave.

#### **Staff who require medical leave without pay must:**

- Notify their supervisor and human resources in writing of their need for leave. It is advised that

## LEAVE AND HOLIDAY POLICIES

employees request medical leave without pay at least 10 days in advance, if possible, of the need for leave. Employees who do not provide adequate notice of the need for leave may jeopardize their eligibility for leave.

- Continue full payment of their insurance premiums during their unpaid medical leave. Coverage will be continued, as long as an employee continues payment of his or her premium.
- Return to work following the end of approved medical leave without pay.
- Provide medical documentation from their health care provider releasing them to return to work.

Employees who fail to return as required may be terminated. Employees who are terminated may be eligible for COBRA (extension of medical insurance coverage). An employee who is terminated under this policy may reapply for employment. However, the university does not guarantee that any former employee will be hired. Former employees rehired by the university do not have any right to past service credits except as required by law.

### **Supervisors:**

- Must immediately notify human resources in writing of an employee's need for medical leave as soon as they become aware of the need for leave.
- May not grant medical leave without pay.
- Must immediately forward to human resources any medical information they receive for an employee.
- Should not keep any copies of any medical information they receive from an employee.

Employees who are not released to return to work by their provider at the end of approved medical leave without pay should contact the benefits department. Employees may be eligible for additional leave or accommodation. Employees who are not eligible for any additional leave or accommodation may be terminated. Employees who are terminated may be eligible for COBRA (extension of medical insurance coverage). An employee who is terminated under this policy may reapply for employment. However, the university does not guarantee that any former employee will be hired. Former employees rehired by the university do not have any right to past service credits except as required by law. Employees may contact the benefits specialist at 912.525.5538 or [benefits@scad.edu](mailto:benefits@scad.edu) for additional information.

### **501.8: Family and Medical Leave Act**

The university complies with the Family and Medical Leave Act. The act allows eligible employees to take unpaid family and medical leave for certain family and medical reasons. After taking leave, the law requires that the employee be allowed to return to the same or a similar position except when it would create an undue hardship for the employer. Liberty Life Assurance Company of Boston, a member of Liberty Mutual Group, is responsible for the administration of the university's Family and Medical Leave policy.

The university's FMLA policy entitles eligible employees to take up to 12 weeks of unpaid, job-protected leave in a 12-month period for specified family and medical reasons. The 12-month period is a rolling period measured backward from the date an employee first uses any FMLA leave.

### **Employee Eligibility**

To be eligible for FMLA benefits, an employee must:

1. have worked for the university for at least 12 months, and
2. have worked for the university for at least 1,250 hours during the 12-month period immediately preceding the start of the leave, and
3. be employed at a work site of the university that has 50 or more employees within 75 miles of that location.

### **Qualified Leave Reasons**

An eligible employee may take leave for one or more of the following reasons:

1. for the birth and care of a newborn child of the employee within one year of birth,
2. for placement with the employee of a child for adoption or foster care and to care for the newly placed child within one year of placement,
3. to care for an employee's spouse (including common law partner), same sex domestic partner, child or parent who has a serious health condition, or
4. a serious health condition that makes the employee unable to perform the essential functions of his or her job, or
5. If an employee is needed to care for a covered service member or the employee has qualifying exigency arising out of the fact that the spouse, son, daughter or parent of the employee is on active duty (or has been notified of an impending call or order to active duty) in the Armed Forces

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## LEAVE AND HOLIDAY POLICIES

and has been called for deployment to a foreign country. (See Military Family Leave Entitlements). Spouses (including common law partners) and same sex domestic partners employed by the university are jointly entitled to a combined total of 12 workweeks of family leave for the birth and care of a newborn child, for placement of a child for adoption or foster care, or to care for a parent who has a serious health condition. Leave for birth and care, or placement for adoption or foster care must conclude within 12 months of the birth or placement of the child.

### Definitions

1. "Immediate family": a child, spouse (including common law partner), same sex domestic partner or parent of an employee.
2. "Serious health condition": an illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice or residential care facility, or continuing treatment by an authorized health care provider.
3. "Continuing treatment": (a) a period of incapacity (e.g., inability to work, attend school or perform other regular activities due to the serious health condition, treatment thereof, or recovery there from) of more than three consecutive calendar days (and any subsequent treatment or period of incapacity involving the same condition) involving treatment two or more times by a health care provider or treatment by a health care provider on at least one occasion that results in a regimen of continuing treatment under the health care provider's supervision; (b) any period of incapacity due to pregnancy or prenatal care; (c) any period of incapacity or treatment for such incapacity due to a chronic serious health condition that requires periodic visits for treatment by a health care provider; continues over an extended period of time; and may cause episodic rather than continuing incapacity (e.g., asthma, diabetes, epilepsy, etc.); (d) a period of incapacity that is permanent or long term due to a condition for which treatment may not be effective (e.g., Alzheimer's, severe stroke, terminal stages of a disease); (e) any period of absence to receive multiple treatments by a health care provider either for restorative surgery after an accident or injury, or for a condition that would likely result in a period of incapacity for

more than three consecutive calendar days in the absence of medical intervention or treatment (e.g., chemotherapy for cancer, physical therapy for severe arthritis, or dialysis for kidney disease).

4. "Health care provider": includes physicians, podiatrists, dentists, clinical psychologists, optometrists, chiropractors, nurse practitioners, nurse midwives, clinical social workers, and qualified Christian Science practitioners.

### Notice and Medical Certification

Employees seeking to use FMLA leave are required to provide, to their supervisors and to human resources, a 30-day advance written notice of the need to take FMLA leave, when the need is foreseeable and such notice is practicable. Failure of the employee to provide the 30-day advanced notice may result in the delay of the start of FMLA leave. If the need for leave is unforeseeable and advance notice is impractical, notice should be given as soon as possible. Within 15 days of the request for FMLA leave, a medical certification supporting the need for leave due to a serious health condition affecting the employee or an immediate family member must be obtained from the health care provider. Benefits will provide the employee requesting FMLA leave the contact information for Liberty Mutual Group, the university's FMLA administrator. The administrator may also require a second or third medical opinion (at the university's expense), periodic recertification, and/or periodic reports during FMLA leave regarding the employee's status and intent to return to work.

### Intermittent Leave

Under some circumstances, employees may take FMLA leave intermittently — which means taking leave in blocks of time, or reducing their normal weekly or daily work schedule. If FMLA leave is for birth and care or placement for adoption or foster care, use of intermittent leave is subject to the university's approval. FMLA leave may be taken intermittently whenever medically necessary to care for a seriously ill family member, or because the employee is seriously ill and unable to work. When intermittent leave is needed to care for an immediate family member or the employee's own illness, and is for planned medical treatment, the employee must try to schedule treatment so as not to unduly disrupt the university's operation. All requests for intermittent leave must be submitted in advance to benefits for approval.

## LEAVE AND HOLIDAY POLICIES

### Use of Annual Leave

Staff members on FMLA leave must use their accrued paid annual leave toward coverage of the 12-week FMLA leave. Accrued leave and sabbatical leave run concurrently with FMLA leave. FMLA benefits also run concurrently with benefits provided by workers' compensation and short-term disability, where applicable.

### Maintenance of Benefits

The university will maintain group health insurance coverage for an employee on FMLA leave whenever such insurance was provided before the leave was taken and on the same terms as if the employee had continued to work. The employee and the university each continue to pay their share of health insurance premiums during the leave. In some instances, the university may recover premiums it paid to maintain health coverage for an employee who fails to return to work from FMLA leave. Failure to make up missed health insurance premiums may result in coverage termination retroactive to the last premium paid.

During the time an employee uses paid leave to cover a portion of FMLA leave, personal time continues to accrue; however, personal leave does not accrue if an employee uses unpaid leave concurrent with FMLA leave.

### Job Reinstatement

Before returning to work from FMLA leave that was taken due to the employee's own serious health condition, an employee must provide human resources with an original Release for Duty Certificate signed by their health care provider. If an employee has been fully released by his or her health care provider to return to work from FMLA leave, the employee will be restored to his or her original job, or to an equivalent job with equivalent pay, benefits, and other terms and conditions of employment, except when it would create an undue hardship for the employer.

If an employee has not been fully released to return to his or her original job upon the expiration of FMLA leave, or if an employee receives a partial release to return to work before the expiration of FMLA leave, human resources will determine if the employee can return to his or her position.

### FMLA, Attendance and Other Employment

FMLA leave is to be used only for the "Qualified Leave Reasons" stated in this policy. Employees may not use paid or unpaid leave (including FMLA leave) to work

on an outside job. Employees who have questions about the applicability of this policy should contact human resources.

### Military Family Leave Entitlements

An eligible employee who is the spouse (including common law partner), same sex domestic partner, son, daughter, parent or next of kin of a covered service member shall be entitled to a total of 26 workweeks of FMLA leave during a 12-month period to care for the service member. The leave described in this paragraph shall only be available during a single 12-month period. During the 12-month period, an eligible employee shall be entitled to a combined total of 26 workweeks of FMLA leave (counting service member family leave and other types of FMLA leave). No more than 12 work weeks of leave in a 12-month period may be taken for non-service member FMLA leave.

A "covered service member" is

1. a current member of the Armed Forces, including a member of the National Guard or Reserves, who (a) has a serious injury or illness incurred in the line of duty while on active duty, or (b) has a pre-existing injury or illness that was aggravated by service in the line of duty while on active duty in the Armed Forces, which may render the service member medically unfit to perform his or her duties and for which the service member is undergoing medical treatment, recuperation, or therapy; is in outpatient status; or is on the temporary disability retired list; and
2. a veteran who (a) has a serious injury or illness that was incurred by the member in the line of duty while on active duty in the Armed Forces, or (b) has a pre-existing injury or illness that was aggravated by service in the line of duty while on active duty in the Armed Forces, and that manifested itself before or after the member became a veteran, for which the veteran is undergoing medical treatment, recuperation, or therapy, provided the veteran was a member of the Armed Forces, including the National Guard or Reserves, at any time during the period of five (5) years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.

In addition, an eligible employee who is the spouse, son, daughter, or parent of a service member who is a member of the regular Armed Forces, or on active duty or call to active duty status in the

## LEAVE AND HOLIDAY POLICIES

National Guard or Reserves, may use their 12-week leave entitlement to address certain qualifying exigencies, when the service member has been called for deployment to a foreign country. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

The term "next of kin," used with respect to an individual, means the nearest blood relative of that individual.

The type of family leave described above is subject to the other provisions in the university's FMLA Leave Policy (such as the requirements regarding employee eligibility, appropriate notice, medical certifications, definitions, etc.). This type of family leave will be governed by, and handled in accordance with, the FMLA and applicable regulations.

### 502: University Holidays

The university provides designated paid holidays each year for full-time employees in Savannah and Atlanta.

The holidays are:

- New Year's Day
- Martin Luther King Jr. Birthday
- St. Patrick's Day (if the holiday falls on or between Monday and Friday) for Savannah staff only. Atlanta staff hired between Jan. 1 and March 17 will receive one additional floating holiday in lieu of the St. Patrick's Day (if the holiday falls on or between Monday and Friday).
- Independence Day
- Labor Day
- Thanksgiving Day
- Day after Thanksgiving Day
- Christmas Day

To receive holiday pay, an eligible employee must be at work or taking an approved absence on the work days immediately before and after the day on which the holiday is observed. An approved absence is a day of paid leave or paid short-term absence.

There may be times when the university's business needs require that some offices remain open during a holiday. In those instances, the supervisor will arrange alternative days off for employees. Annual holiday schedules are posted on MySCAD.

### 502.1: Floating Holidays

The university provides paid floating holidays each year for eligible employees. Employees may use floating holidays to observe holidays that are not designated as paid holidays by the university. Full-time 12-month staff hired between Jan. 1 and June 30 are eligible for two floating holidays per year. Full-time 12-month staff hired between July 1 and Dec. 31, and all full-time 9-, 10- and 11-month staff are eligible for one floating holiday per year.

Floating holidays may be used any time during a single calendar year, but may not be carried over into another calendar year. As with annual leave, employees must request floating holidays off in advance from their supervisors. Supervisors have the discretion to approve floating holidays in accordance with job or university business needs. Use of floating holidays must be recorded on nonexempt (hourly) staff time sheets and exempt (salaried) staff leave request forms. The university does not pay employees for unused floating holidays.

### 502.2: Birthday Holiday

A full-time staff member may take his or her birthday as a paid floating holiday each year. A staff member may use the birthday holiday to take that day off or may use the birthday holiday at any approved time within 364 days following. As with annual leave, employees must request their birthday holiday off in advance from their supervisors. Supervisors have the discretion to approve birthday holidays in accordance with job or university business needs. Use of a birthday holiday must be recorded on nonexempt (hourly) staff time sheets and exempt (salaried) staff leave request forms. The university does not pay employees for unused birthday holidays.

### 502.3: Religious Holidays

Unless operating needs of the department cannot be met, supervisors shall try to make reasonable accommodations in arranging time off for employees who want time off for significant events in their faith. Employees who request time off for a religious holiday may use accrued annual leave time, their birthday or a floating holiday. Special circumstances related to religious holiday time off should be directed to human resources.

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## BENEFITS

### **601: Group Health and Insurance Benefits**

The university offers certain benefits to eligible Savannah College of Art and Design employees. These benefits are described in summary plan description booklets, certificates of insurance, and other plan documents that are available on the university's intranet, MySCAD. Employees may request a written copy of these documents by contacting Human Resources. Complete descriptions of group health insurance and other benefit programs are in the university's master insurance contracts and master plan documents. If information in this handbook or the summary plan descriptions contradicts information in the master contracts or master plan documents, the master contracts/documents shall govern in all cases.

The university reserves the right to amend or terminate any of its benefits programs or to require or to increase employee premium contributions toward any benefit with or without advanced notice.

Among the benefits or plans that may be offered to eligible employees, at no cost to the employee, are:

- Group Term Life and Accidental Death and Dismemberment Insurance (AD&D)
- Short-term Disability Insurance
- Long-term Disability Insurance
- Workers' Compensation Insurance
- Employee Assistance Program. The program, managed by Liberty Mutual, is an employee resource, providing counseling, referrals, and consultations 24 hours a day, seven days a week. Employees may contact Liberty Mutual at 1-877-695-2789

If a short-term disability occurs during the non-working period for 9-, 10- or 11-month employees, no benefits are paid until the employee misses work.

Enrollment in the following plans is voluntary. If you choose to enroll in the plan, you and the employer will share the cost:

- Group Health Insurance and Prescription Drug Plan. The plan is a Managed Care program under a Preferred Provider Organization (PPO) arrangement.
- 403 (b) Plan
- 401 (k) Plan
- Miscellaneous wellness benefits (e.g., flu shots and smoking cessation programs)

Eligible employees may purchase Supplemental Life Insurance and other additional insurance plans to meet their needs. If you choose to participate, the cost of the insurance will be at your expense.

Eligible employees may also participate in the following voluntary programs:

- Premium Only Plan (POP) – Section 125 Cafeteria Plan.

- Flexible Spending Accounts (FSAs)

Employees who are 9-, 10- or 11-month status and enrolled in benefits are covered during their non-working period. Employees on leave without pay during the non-working period must continue to contribute toward these benefits. Deductions that are missed during the non-working period are deducted from future pay cycles upon the employee's return to work unless other arrangements have been made.

Please contact benefits at 912.525.5538 or [benefits@scad.edu](mailto:benefits@scad.edu) with any questions related to benefits.

### **602: Fitness Centers**

The university operates four fitness centers, Club SCAD, SCAD Studio and the Turner House facility in Savannah and the SCAD-Atlanta fitness center in Atlanta. Fitness centers are open daily to all university students and employees. All fitness center users are required to show their SCAD ID card and to sign in each time they use a fitness center. In addition, fitness center users must sign a release and a waiver regarding claims that arise or may arise from use of the facility.

### **603: Workers' Compensation**

The Savannah College of Art and Design complies with the provisions of the Workers' Compensation Law of the State of Georgia. SCAD participates in a managed care workers' compensation program.

If an employee is injured on the job or develops an occupational disease, both the employee and his or her supervisor must take immediate action. Employees must notify their supervisors as soon as an injury or illness believed to be work related occurs. All injuries, no matter how minor, must be reported. As soon as they become informed or aware that an occupational injury or disease involving an employee has occurred, supervisors must report the illness or injury. For Savannah employees, supervisors must notify the benefits specialist (912.525.5538). For Atlanta employees, supervisors must notify the human resources director (404.253.3279).

If medical treatment is needed, it should be arranged through a physician on the university panel of physicians. All university buildings have the

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## BENEFITS

panel of physicians and a “State Board of Workers’ Compensation Bill of Rights for the Injured Worker” posted in a conspicuous place. In the case of a life-threatening emergency, treatment should be sought at a hospital emergency room immediately or by calling 911. In the event of an emergency, please notify the human resources generalist as soon as possible. All follow-up care must be rendered from a physician on the panel.

Under state law, in order to be eligible for workers’ compensation benefits, employees must notify their employers of a work injury or illness within 30 days after the event. The employee may not be eligible for workers’ compensation benefits if the illness or injury is not reported in a timely manner. The human resources benefits specialist, located at Granite Hall, 126 E. Gaston St., Savannah, Ga., is the university’s primary contact person for all job-related injuries. Any human resources generalist may serve as a secondary contact person. The vice president for human resources must be notified when the human resources generalists or benefits specialists are unavailable.

### **604: Employee Service Awards**

The university values the contributions of its employees. In acknowledgment of their contributions, the university recognizes employee service anniversaries by marking each five-year period of cumulative employment. Only full years of service are taken into account in determining eligibility. Staff members who have observed their 5th, 10th, 15th, 20th, 25th, 30th or 35th anniversary date receive SCAD Service Year pins along with a token of the university’s appreciation.

### **605: Employee Tuition Benefit**

Full-time faculty and staff members, their spouses, and their dependent children may be eligible for the employee tuition benefit. SCAD reviews applications for and may grant this benefit at its discretion.

Employee tuition benefit eligibility requirements and guidelines are summarized below:

#### **Employees**

- Are eligible provided they are full-time exempt (salaried) or full-time nonexempt (hourly).
- May enroll in a class after 90 days of full-time employment.

- Must complete the Full Time Employee Tuition Benefit Agreement prior to registration and submit to [benefits@scad.edu](mailto:benefits@scad.edu).
- Cannot arrange Employee work hours to accommodate class schedule(s).
- Receive a tuition benefit for only one class.
- Are limited to taking two classes per quarter; one paid for by the university and the other paid for by the employee.
- May not take a class if a dependent or spouse is enrolled. Exception: If employee and spouse are full time employees, both can take a class.
- Are entitled to the personal use of any other aid (loans, Pell Grants, outside scholarships) they generate on their own behalf.
- Receive a prorated amount of any Savannah College of Art and Design scholarship they may have been awarded.
- Are not charged for transcripts.
- May be responsible for tuition reimbursement of benefit if employment ends while enrolled or if in violation of this policy.

#### **Spouses**

- May enroll in a class after the employee has been employed full time for 90 days.
- Must complete and submit a notarized Spouse Tuition Benefit Affidavit and Agreement prior to registration and submit to [benefits@scad.edu](mailto:benefits@scad.edu).
- Receive a tuition benefit for one class.
- May not take a class if the employee or another dependent of the employee is enrolled in the same quarter. Exception: If employee and spouse are full-time employees, both can take a class.
- Are entitled to the personal use of any other aid (loans, Pell Grants, outside scholarships) they generate on their own behalf.
- Receive a prorated amount of any Savannah College of Art and Design scholarship they may have been awarded.
- Are charged for all transcripts beyond the first gratis transcript.
- May be responsible for tuition reimbursement of benefit if employment ends while enrolled or if in violation of this policy.

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## BENEFITS

### Dependent Children

- Upon application for admission to the university, the employee/parent of a dependent child must complete and submit a notarized Dependent Child Tuition Benefit and Affidavit Agreement as verification of a child's dependency. If the student is admitted, the affidavit must be fully executed before the tuition benefit can be applied to pay tuition and matriculation charges.
- Are defined as dependent according to the current IRS regulations. Documentation of dependency may be requested by the university. When the student attains the age of 25, additional proof of dependency will be required.
- May enroll in classes after employee/parent has been employed by the university for one year.
- May not take a class if the employee is enrolled in the same quarter. Exception: If both parents are full-time employees, then child may enroll as long as child is only person enrolled for that parent.
- Receive a full tuition benefit, less any Georgia Grant, HOPE or Pell grant monies awarded.
- Must go through the normal admission process, including payment of the application fee.
- Must apply for the Georgia Tuition Equalization Grant and HOPE Scholarship to help offset the expense of the tuition benefit, if the employee or the dependent is a Georgia resident. If dependent files the Free Application for Federal Student Aid in order to utilize student loans, any resulting Pell grant also is used to offset the expense of the tuition benefit.
- Are not entitled to any other Savannah College of Art and Design Scholarship.
- Do not receive a reduction in meal plan or residence hall fees.
- Are charged for all transcripts beyond the first gratis transcript.
- May be responsible for tuition reimbursement of benefit if employment ends while enrolled or if in violation of this policy.

### Pre-college Summer Program

- Dependents of eligible employees participating in SCAD Summer Seminars may receive a 10 percent discount on the program fee, residential or nonresidential.
- Dependents of eligible employees participating in Rising Star are not required to pay the program fee.

### Miscellaneous

- Only one member of the family can utilize the tuition benefit per quarter, except for multiple dependents and spouses who are both employed full time by the university.
- The matriculation fee is waived for degree-seeking staff/faculty, their spouses or dependents.
- Faculty and staff enrollment is dependent on availability of classes. The university reserves the right to withdraw an employee from a class to meet the university's needs.

Student financial services administers the tuition benefit. Employees may contact student financial services at 912.525.6130 or sfs@scad.edu to establish or review the status of tuition benefits for themselves, their spouses or their dependent children.

### Employee Tuition Benefit Taxation Guidelines

These guidelines provide an overview of the taxability of the employee tuition benefit. Employees are advised to consult a tax adviser for information regarding tax liabilities.

#### Undergraduate Tuition

- Employee: The amount of the benefit is not taxable.
- Spouse or dependent child: The amount of the benefit is not taxable.

#### Graduate Tuition

- Employee: The first \$5,250 of the benefit is exempt from taxation. Any amount in excess of \$5,250 per calendar year is taxed through payroll.
- Spouse or dependent child: The full amount of the benefit is taxable to the employee and taxed through payroll.

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## END OF EMPLOYMENT POLICIES

### **701: End of Employment**

Employees who are not subject to the terms of a written employment contract are hired on an at-will basis. As such, the employment relationship between an employee and the university may end due to the employee's resignation, retirement, discharge, death, or the elimination of the position.

Whatever the reason for the end of the employment relationship, the university treats all departures in a confidential and professional manner.

### **702: Voluntary Resignation**

The university understands that employees resign from their positions for a variety of personal and professional reasons. The university asks that employees who decide to end their employment relationship with the university notify their supervisors, in writing, as soon as possible in order to assist the university in making a smooth transition with a minimal disruption in service. Employees holding the title of director or higher should give the university at least thirty (30) days' notice to facilitate the transition. All other staff employees should give the university at least two (2) weeks' notice. Supervisors and human resources will coordinate any announcements regarding employee departures.

The university reserves the right to accept the resignation immediately and may require that the employee depart immediately or prior to his or her resignation date. Failure to give appropriate written notice may affect consideration for future employment with the university and may result in forfeiture of any unused accrued annual leave to be included in final pay.

Supervisors should notify human resources immediately of any full-time or part-time employee who has tendered his or her resignation.

### **703: Retirement**

The university does not have a mandatory retirement age. Employees should notify their supervisors upon their decision to retire, and the supervisor should, in turn, immediately notify human resources. The human resources benefits department will contact employees who plan to retire to discuss retirement-benefits issues. Employees who decide to retire should meet with a member of the benefits department at least 30 days before they retire, as some retirement programs require several weeks to implement.

### **704: Position Elimination/Lack of Work**

In order to meet its operational needs, the university may reduce an employee's schedule or eliminate a position. Human resources administers the process with direction from the vice president for human resources. The university may define opportunities that may be available to staff affected by these circumstances.

### **705: Death of an Employee**

Supervisors must contact human resources immediately upon being notified of the death of an employee. The human resources generalist and director of benefits will work with the employee's next of kin or other appropriate person(s) regarding the end of employment process.

### **706: Resignation in Lieu of Discharge**

At the university's discretion, an employee may be given the option of resigning in lieu of discharge. This may be appropriate in a situation where an employee has not been able to meet performance expectations and where no misconduct was involved. In cases of serious misconduct, warranting immediate discharge, a resignation option is not available.

### **707: Discharge**

An employee may be terminated from employment at any time, with or without notice, and with or without cause. The human resources department advises supervisors on proper discharge procedures. Supervisors must consult with human resources and their department head before discharging a staff member. Discharge is effective immediately, and there is no provision for severance pay.

#### **707.1: Reasons for Discharge**

An employee may be discharged for violation of any policy or practice stated in this handbook, or for any one of the following reasons or for any other reason deemed by the university:

- Unacceptable or substandard performance.
- Insubordination, or failure to obey any university policy, rule, or reasonable instruction, or failure to perform a duty or duties to which the employee was reasonably assigned or for which he or she was employed.
- Personal conduct detrimental to university morale or operations, including but not limited

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## END OF EMPLOYMENT POLICIES

to inappropriate behavior with students, such as public humiliation, unprofessional remarks or conduct, or use of abusive language when communicating with university students, fraternization, any discrimination against faculty, staff, or students based on gender or sexual orientation, race, color, national or ethnic origin, age, marital or parental status, disability, religion, veteran status, or status in any group protected by applicable law.

- Failure to uphold the mission, philosophy, principles, or policies of the university.
- Bona fide financial exigency of the university.
- Position elimination.
- Actions based on an untruthful or dishonest premise that may damage the reputation of the institution or the financial viability of the institution.
- Unauthorized access or use of university computers, hardware, or software, or disclosure of information obtained through the computer or any other university system.
- Unauthorized possession, use, copying or reading of university records or unauthorized disclosure of information contained in such records.
- Lying or misrepresentation to a supervisor and/or other university employee.
- Falsification of forms, records and/or other official documents/information.
- Absence from work without properly notifying one's supervisor, chronic tardiness or lateness, or job abandonment.
- Obtaining a leave of absence under false pretenses or failure to report to work upon expiration of an approved leave of absence.
- Conviction of a felony.
- Actions that are illegal as defined by local, state or federal statutes.
- Concealing or having possession of any weapons, firearms, or explosives while on university premises or during university events.
- Unauthorized use, possession or distribution of alcohol on university property, in university vehicles or while conducting university business, or working while under the influence of alcohol.
- Use, possession, or distribution of controlled substances/illegal drugs, including reporting to work with the presence of any controlled substances/illegal drugs in one's system.
- Unauthorized removal or theft of university property or the property of other employees or students.
- Any willful act, careless act, or conduct detrimental to university operations or the safety and rights of other persons on university property or during a university event.
- Use of vile, intemperate, abusive or threatening language; or fighting, pushing, or acting in a threatening manner to any university employee, student, or visitor.
- Violation of the university's discrimination and harassment policies.
- Excessive or unauthorized use of university telecommunications devices other than for university business.
- Unauthorized use of university stationery, logo, etc. as stated in the handbook.
- Unauthorized or negligent use, willful destruction, defacement, or misuse of university vehicles or property, or property of another person on university premises.
- Sleeping on the job.

### **708: End of Employment Process**

Employees who leave the university go through an end of employment process. Employees who end employment and their supervisors are responsible for ensuring that human resources is properly notified of the employee's last work day so that the exit process can be completed in a timely manner.

#### **708.1: Exit Interview**

The last day an employee works is considered the termination date. The human resources department schedules exit interviews on the employee's last work day in order to collect university property and complete the exit process.

The human resources department considers the exit interview an opportunity to gain valuable feedback regarding the employee's work experience. Employees who end employment complete a written exit interview form in order to provide information regarding their work experience.

All employees are required to return all university property at the end of employment (i.e., SCAD Card, keys, computer equipment, telephones, files, etc.). University property may be returned to the employee's supervisor or to human resources at the time of the

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## END OF EMPLOYMENT POLICIES

exit interview. Employees who do not return university property as required may incur charges for replacement of unreturned property.

Nonexempt (hourly) staff must submit their final time sheets to their supervisor on or before their last day of work.

### **708.2: End of Employment and Benefits**

Employees who end employment, and whose medical insurance benefits end as a result, may be able to continue their insured benefits coverage at their own cost for a defined period. For more information about continuing benefits after ending employment, employees should contact the human resources department and consult the summary plan descriptions for each benefit in which they participate.

### **708.3: Final Paychecks**

Final paychecks for employees whose employment has ended should be available and direct deposited on the next regular pay date in accordance with the bi-weekly pay calendar, as published in MySCAD.

Employees are responsible for ensuring their banking information is up-to-date in MySCAD to ensure proper deposit. If banking information changes after the last date of employment, but before the last deposit, employees must contact human resources directly to provide their updated information.

Any outstanding advances, such as petty cash, charged to an employee, must be reconciled at the end of employment. Any outstanding advances and amounts not reconciled may be deducted from the employee's final paycheck, in accordance with applicable law.

### **708.4: Separation Notices**

Georgia law requires that employers furnish employees who end employment with a Georgia Department of Labor separation notice. The human resources department provides the notices during the exit interview or by regular mail to the employee's last known address.

### **708.5: Rehire/Past Service Credit**

Former employees do not have any right to rehire or credits for past service, except as required by law. Former employees who are rehired by the university are considered new employees.

### **709: Unemployment Compensation Benefits**

The Georgia Department of Labor administers the state's unemployment compensation benefits program, but the costs of these benefits are paid by the former employer through a system of taxation or direct charges. The state determines an employee's eligibility for unemployment compensation benefits. Employees whose employment has ended with the university should contact the Georgia Department of Labor for eligibility information.

Employees who are 9-, 10- or 11-month status who are on leave without pay during their non-working period may request Department of Labor separation notices. Employees should notify their human resources generalist at least four weeks before the start of the non-working period if they are requesting this form.

The human resources department handles all unemployment claims and hearings. Any employee who receives a request for information related to an unemployment claim must immediately forward the request to human resources. Deadlines exist for employer responses to unemployment claims and must be honored in a timely manner.

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## GENERAL UNIVERSITY POLICIES

### **801: SCAD Access Policies for Employees, Visitors, Guests and Children**

#### **Employees**

Faculty and staff are issued SCAD Cards upon employment with the university. Faculty and staff are required to utilize their SCAD Card to access university buildings. If an employee does not have his or her ID, the employee must be prepared to show some other form of photo ID to gain entry to the building.

#### **Visitors, Guests and Children**

##### **Savannah Access Policy**

Providing and maintaining an ideal learning environment for students is a top priority of SCAD. The university's primary mission is the education of its students, and access by all enrolled students to excellent faculty and state-of-the-art university facilities, classrooms, labs, studios and equipment is crucial to achieving that goal. In support of the core mission, the university has implemented the following policies to control and manage access to university academic facilities by visitors and guests:

- Students entering university facilities, including classrooms, labs and studios, must have a current SCAD ID card with a valid sticker upon entering. Students must have a valid SCAD ID card to attend classes and are not allowed to sign in as a visitor in lieu of showing their ID card.
- Beginning the second week of each quarter, after drop/add week, students are not permitted to enter any SCAD facility without a SCAD Card bearing the appropriate validation sticker for the current academic quarter.
- SCAD e-Learning students not currently participating in classroom sessions at university locations in Savannah, Ga., Atlanta, Ga., Hong Kong, or Lacoste, France, are required to present their SCAD e-Learning ID and a photo ID when requested at university facilities.
- Visitors and guests may enter university facilities by presenting a photo ID and registering with security personnel at the security office located at 350 Bull Street. However, visitors and guests may not enter classrooms, labs or studios unless accompanied by an admission representative or unless they are on a university sponsored tour.
- With the exception of group and admission tours, visitors are required to present personal

identification. Young students or children without identification may be allowed entry if accompanied by an adult possessing appropriate ID. Examples of acceptable identification include a driver's license or other document containing the visitor's photograph, name and address.

- Visitors participating in a university-sponsored tour are exempt from this restriction and will not be issued visitor passes, but must still be accompanied by a university representative or admission staff member at all times and must remain together while in the facility.
- Visitors without acceptable identification, or who decline to produce identification, will not be allowed entry to the facility.
- Media representatives are not allowed into any SCAD facility without an escort. When a visitor from the media arrives at a SCAD facility, the SCAD representative will immediately notify the director of university communications at 912.525.4881.
- Children are allowed in university academic facilities accompanied by an adult with a valid SCAD ID card for brief, limited periods, but in most circumstances are not allowed to enter offices, classrooms, studios, labs or residence halls. Children may be allowed to enter an office, classroom, studio, lab or residence hall during public events and open house events, i.e., open studio, department open houses, special department exhibitions, etc. Children are also allowed to enter SCAD galleries, theaters, shops, public restaurants, athletics department events, and other locations and events generally open to the public, unless otherwise noted. Children will not be allowed in classrooms, studios or labs while classes are in session. Employees and students with children who experience daycare difficulties during working hours, class sessions including midterm and final exams, etc. need to make alternative arrangements for off-campus care of their children. Under no circumstances will a waiver be granted for any building, facility, lab or studio that houses power equipment, computer equipment, industrial equipment and/or hazardous materials.
- Faculty and chairs may not vouch for, or allow, a student without a current ID and valid sticker into a classroom, lab or studio.
- Employees may not bring pets and/or animals to the workplace.

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## GENERAL UNIVERSITY POLICIES

### Exceptions:

- Poetter Hall receives a large number of visitors because of its position as an admission and welcome center. The Poetter Hall building manager, or associate vice president for admission, may amend policies as necessary to accommodate these visitors, prospective students, parents and family. These changes will be made either verbally or in writing to the director of university security. Admission staff members escorting groups are exempt from these policies.
- Prospective students and parents are exempt from these policies while participating in scheduled orientation events and tours.
- Guests of the Student Activities Council are exempt from these policies while at a SAC event or in the company of a SAC representative.
- Police officers, fire fighters and emergency medical service personnel, in the course of their official duties, do not require a visitor's pass.
- Vendors who access a SCAD facility on a regular schedule to provide services and/or deliver materials will be asked to sign in with the building manager.
- The policies contained herein apply to academic facilities. Nonacademic facilities that are open to the general public may have different policies designed to accommodate their needs.
- The Jen Library has a separate public access policy.
- Approved service animals are permitted. All questions regarding approved service animals should be directed to human resources.

### SCAD Atlanta Access Policy

Providing and maintaining an ideal learning environment for students is a top priority of SCAD. The university's primary mission is the education of its students, and access by all enrolled students to excellent faculty and state-of-the-art university facilities, classrooms, labs, studios and equipment is crucial to achieving that goal. In support of the core mission, the university has implemented the following policies to control and manage access to university academic facilities by visitors and guests:

- Students entering university facilities, including classrooms, labs and studios, must have a current SCAD ID card with a valid sticker and must present this card upon entering. Students must present a valid SCAD ID card to attend classes and are not

allowed to sign in as a visitor in lieu of showing their ID card. Current students who do not have an ID card and wish access to the building must go to the student success office to obtain one.

- Beginning the second week of each quarter, after drop/add week, students are not permitted to enter any SCAD facility without a SCAD Card bearing the appropriate validation sticker for the current academic quarter.
- SCAD eLearning students not currently participating in classroom sessions at university locations in Savannah, Ga., Atlanta, Ga., Hong Kong, China, or Lacoste, France, are required to present their SCAD e-Learning ID and a photo ID to enter university facilities.
- Visitors and guests may enter university facilities by presenting a photo ID and registering with security personnel at the welcome desk. However, visitors and guests may not enter classrooms, labs or studios unless accompanied by an admission representative or unless they are on a university sponsored tour. The security officer on duty will issue the visitor or guest a visitor pass with the current date and person's name. The pass is only valid for that date. The pass must be worn while the visitor is in the facility.
- With the exception of group and admission tours, visitors are required to present personal identification. Young students or children without identification may be allowed entry if accompanied by an adult possessing appropriate ID. Examples of acceptable identification include a driver's license or other document containing the visitor's photograph, name and address.
- Visitors participating in a university-sponsored tour are exempt from this restriction and will not be issued visitor passes, but must still be accompanied by a university representative or admission staff member at all times and must remain together while in the facility.
- Visitors without acceptable identification, and those who decline to produce identification, will be held by security or administrative personnel at the welcome desk area until the on-duty university security supervisor has been contacted.
- Media representatives are not allowed into any SCAD facility without an escort. When a visitor from the media arrives at a SCAD facility, the security officer, greeter or other SCAD representative will immediately notify the director of university

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## GENERAL UNIVERSITY POLICIES

communications at 912.525.4881 for guidance regarding media access.

- Children are allowed in university academic facilities accompanied by an adult with a valid SCAD ID card for brief, limited periods, but in most circumstances are not allowed to enter offices, classrooms, studios, labs or residence halls. Children may be allowed to enter an office, classroom, studio, lab or residence hall during public events and open house events, i.e., open studio, department open houses, special department exhibitions, etc. Children are also allowed to enter SCAD galleries, theaters, shops, public restaurants, athletics department events, and other locations and events generally open to the public, unless otherwise noted. Children will not be allowed in classrooms, studios or labs while classes are in session. Employees and students with children who experience daycare difficulties during working hours, class sessions including midterm and final exams, etc. need to make alternative arrangements for off-campus care of their children. Under no circumstances will access be granted for any building, facility, lab or studio that houses power equipment and computer equipment.
- Access to classrooms, labs and the fitness center is generally not available to students during break periods between quarters. The SCAD Atlanta director of security must be called at 404.253.5433 if any special circumstances arise regarding access during the breaks.
- Alumni may use the library during normal operating hours. Alumni are not authorized to use the fitness center. Alumni may use labs and other facilities at no charge to complete their portfolios for a period of no more than three months following their graduation. To do this, alumni must obtain an alumni ID card by calling the office of the vice president for SCAD-Atlanta at 404.253.3111.
- Employees may not bring pets and/or animals to the work place.

### Exceptions:

- The vice president for SCAD-Atlanta may amend policies as necessary to accommodate admission visitors, prospective students, parents and family. These changes will be made either verbally or in writing to the onsite director of security. Admission staff members escorting groups are exempt from these policies.

- Prospective students and parents are exempt from these policies while participating in scheduled orientation events and tours.
- Guests of the Student Activities Council are exempt from these policies while at a SAC event or in the company of a SAC representative.
- Police officers, fire fighters and emergency medical service personnel, in the course of their official duties, do not require a visitor's pass.
- Vendors who access a SCAD facility on a regular schedule to provide services and/or deliver materials will be asked to sign in with security personnel at the building's welcome desk.
- The policies contained herein apply to academic facilities and current students. Non-academic facilities that are open to the general public may have different policies designed to accommodate their needs.
- Approved service animals are permitted. Questions regarding approved service animals should be directed to human resources.

### **801.1: Keys/Fobs**

Keys/fobs may not be duplicated, switched with other faculty or staff members, or given to students or persons not associated with the university. Lost or stolen keys and fobs must be reported immediately to the appropriate staff member with key control responsibility. Keys and fobs must be returned to the university immediately upon request. When an employee ends employment with the university, keys and fobs must be returned to human resources. Employees who do not return keys and fobs to the appropriate staff member with key control responsibility or human resources may incur a \$25 charge.

Keys to individual offices and labs are issued only to designated persons for the protection of those individuals and university equipment. It is the responsibility of the faculty or staff member to secure offices, labs, closets, etc. Any faculty or staff member designated to control studios or supervise student workers must inform students of these key control procedures.

Requests for individual building, office or lab keys must be submitted in writing on a key request form and signed by the chair or supervisor of the department. Keys will only be issued to faculty and staff in person. Each staff person will be required to read and sign the key control policy sheet before receiving any keys

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## GENERAL UNIVERSITY POLICIES

to university facilities. Any key requests, lock repairs, lockouts or lost key reports must be sent to physical resources.

### **Savannah**

The facility maintenance coordinator is responsible for key control in Savannah and may be reached at 912.525.5071. Evening and weekend emergency concerns should be reported to the university security 24-hour line at 912.525.4500. University security officers will notify the on-call physical resources staff member immediately.

### **Atlanta**

The executive director of physical resources in Atlanta is responsible for key control in Atlanta and may be reached at 404.253.3249. Evening and weekend emergency concerns should be reported to 404.219.2565 or the university security 24-hour line at 404.253.3472. University security officers will notify the on-call physical resources staff member immediately.

### **802: Code of Ethics/Conflicts of Interest**

All members of the university community are expected to conduct themselves in a professional manner. It is essential that employees present themselves, and the institution, in the best light possible whenever the occasion or opportunity presents itself. If all members of the university community promote high standards of ethical professionalism, the university is best served.

Employees should use discretion in their dealings with university community members, especially students. Employees must avoid any personal interaction that could compromise their professional relationship with students or co-workers, or promote perceived or real favoritism, or violate university policy on unlawful discrimination or harassment. Expressing sarcasm or derision toward students is unacceptable. Employees should maintain a professional distance from students.

Employees should use discretion before engaging in any activity, on or off the job, that may have a negative impact on the university, that may interfere with their ability to perform job duties, or that may in any way impact their loyalty or stewardship to the university. Employees may not enter into any business or exhibition arrangements that may interfere with the performance of their duties with the university or that may be in conflict with the best interests of the university. Any activity that might constitute a conflict

of interest should be avoided.

Employees may not teach or serve on any boards or arts-related organizations, participate in any relationship with suppliers of goods and services to the university, or in any way act as a representative of the institution without securing written approval from the vice president for human resources.

Employees may exhibit their work off campus in appropriate venues. They should inform their supervisors, so that the university community can be made aware of this recognition.

Employees and their immediate family members may not accept any money, gifts, favors, special discounts or other incentives from any person or business doing business with or seeking to do business with the university. "Gifts" for purposes of this policy are defined as presents of a personal nature having a nominal value generally under \$100 and intended for the use of the gift recipient. Employees may not give, offer or promise, directly or indirectly, anything of value to any person, customer or potential customer in connection with any business or transaction that the university may have with that person, customer or potential customer.

Staff should respect university property and use university assets--including computers and related information technology assets--only in accordance with established university policies.

Any unethical or unprofessional behavior or conflicts in violation of this policy should be reported immediately to any human resources professional at the university or the compliance officer, at 912.525.5734 or 912.257.6351. Retaliation is prohibited against an employee who makes a good faith effort to disclose perceived wrongdoing, and the university makes every effort to redress such situations.

### **803: Personal Relationships**

The university is committed to ensuring an environment for all members of the university community that is fair, humane and respectful. The university prohibits any employee or student from initiating or encouraging relationships that violate or may violate this commitment. Faculty or staff who violate this policy may be subjected to disciplinary action. Faculty or staff members aware of a potential violation of this policy are encouraged to report the matter to their deans, department heads, or human resources.

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## GENERAL UNIVERSITY POLICIES

### **Students**

Personal relationships between employees and students are generally not appropriate. In no case may faculty members or staff engage in personal, intimate or sexual relationships with students they supervise, advise, teach or evaluate. If such a relationship already exists, the faculty member or staff member must immediately report the relationship to the dean, department head or human resources and terminate the relationship. If such a relationship existed in the past and has ended, the faculty or staff member must report the relationship to the dean, department head or human resources.

As stated in the Code of Ethics/Conflicts of Interest policy, faculty and staff must maintain a professional distance from students. In no case may faculty or staff employ students with whom they have a teaching or counseling/advising relationship.

### **Employees**

Friendships and personal relationships often develop in the workplace. Employees and their co-workers are not prohibited from socializing or having personal relationships. However, in no case may such relationships interfere with the work performance of either individual or with the effective functioning of the workplace. Employees who engage in such relationships must accept responsibility for ensuring that they do not raise concerns over ethics or professionalism and must bear the burden for establishing the appropriateness of the relationship if called into question.

In a workplace or educational setting, there is a fine line between asking someone for a date and inappropriate behavior or harassment. If someone declines a polite offer to socialize outside of work, the matter should be dropped and the individual should not be approached again.

Personal or intimate relationships in which one individual (such as a supervisor) has influence or control over another individual's conditions of employment—such as pay, performance evaluation, hiring or discharge—are not appropriate and must be disclosed to deans, department heads or human resources. The dean, department head or human resource will terminate the supervisory relationship immediately.

If a faculty member or an employee is the spouse or significant other of a student or graduate student, the dean or department head must be notified upon

hire. The dean, department head or human resources will review the matter to ensure that a supervisory relationship is avoided.

### **804: No Harassment Policy**

The university prohibits its faculty, staff, administration, student body, volunteers or visitors to campus, whether guests, patrons, independent contractors or clients, from harassing any other member of the university community because of that individual's ethnicity or national origin, religion, age, genetic information, disability, veteran status, or any other status protected by law.

The term "harassment" includes, but is not limited to slurs, jokes, and other verbal, graphic or physical conduct that has the purpose or effect of interfering with an individual's work or educational performance; creates or has the intention of creating an intimidating, hostile or offensive working and/or learning environment; or unreasonably interferes with or limits one's ability to participate in or benefit from an educational program or activity.

If an employee feels that he or she is being harassed in any way by a co-worker, supervisor, faculty member, student, vendor or any other person, he or she should immediately notify the compliance officer, employee relations manager or a human resources generalist. In addition, if an employee witnesses or has reason to believe a student or employee is being harassed in any way by an employee, faculty member, other student, vendor, or any other person, he or she should immediately notify the compliance officer, employee relations manager or a human resources generalist. Employees will not be penalized for making a good faith report of improper conduct. Any such matter will be thoroughly investigated, and where appropriate, disciplinary action will be taken. Violation of this policy will subject an employee to disciplinary action up to, and including, immediate discharge.

Other violations of this policy may include, but are not limited to: 1) Retaliation against a person who has made a report or filed a complaint alleging harassment or participating as a witness in a harassment investigation. 2) Disregarding, failing to investigate adequately, or delaying investigation of allegations of harassment when responsibilities for reporting and/or investigating harassment charges that comprise part of the supervisory duties.

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## GENERAL UNIVERSITY POLICIES

### **805: Open Door Policy**

The university is committed to encouraging an open and frank atmosphere in which an employee can bring employment problems, complaints, suggestions or questions to the university.

An employee is encouraged to first discuss the problem, concern or disagreement with his or her supervisor. If this cannot resolve the issue, the employee is encouraged to submit his or her concerns to the next level of management. An open door policy means that an employee may discuss his or her issues and concerns with human resources, the compliance officer, the Title IX coordinator or ombudsman, who will listen to the concerns and make a recommendation for resolution.

### **806: Alternative Dispute Resolution Policy and Agreement**

In cases where an employee complaint involves a legal dispute or potential legal dispute, SCAD has adopted an alternative dispute resolution policy. This Alternative Dispute Resolution Policy and Agreement (the "ADRPA") involves an internal review, mediation and binding arbitration to resolve all legal disputes that may arise between SCAD and an employee. Because of the mutual benefits, such as reduced expense, quicker resolutions, and increased efficiency that alternative dispute resolution can provide to both SCAD and its employees, as a condition of hire or continued employment, any Dispute between an employee and SCAD shall be resolved as exclusively provided herein.

The term "SCAD" as used in this ADRPA includes the Savannah College of Art and Design and each of its respective parents, subsidiaries, or affiliated entities, along with all directors, officers, managers, employees, attorneys, trustees and agents (referred to collectively herein as "SCAD"). For purposes of this ADRPA, the term "employee" includes applicants, current and former employees of SCAD. The term "Dispute" as used in this ADRPA encompasses and includes all legal claims or controversies between SCAD and any employee, regardless of type. Thus, any Disputes related to an employee's employment are covered by this ADRPA including, but not limited to, claims arising in contract, tort, fraud, property, statutory or common law claims, or equitable claims. This ADRPA also covers any other legal claims between SCAD and an employee except as specifically excluded herein and is the sole

and exclusive forum and remedy for resolution of all Disputes except as otherwise specifically provided herein. This ADRPA does not cover claims that do not involve a legal right, obligation or entitlement. This ADRPA does not cover workers' compensation claims or claims for benefits under any SCAD-sponsored plan of employee benefits that is governed by the Employee Retirement Income Security Act of 1974 ("ERISA") and that contains specific claims and appeals procedures, including, but not limited to, specific alternative dispute resolution procedures. While this ADRPA does not preclude an employee from filing an EEOC or other fair employment practices agency charge, the Employee, by acceptance of this ADRPA, waives any right to recover under an EEOC charge or a charge filed with any state or local fair employment practices agency, and instead accepts this ADRPA as the sole and exclusive remedy for any claims that would otherwise be subject to processing by a fair employment practices agency. This ADRPA applies to any Dispute between SCAD and an employee, regardless of whether the Dispute arose during or subsequent to an employee's employment by SCAD and regardless of whether the Dispute is first asserted during or subsequent to an employee's employment. This ADRPA survives and continues past the end of an employee's employment with SCAD and is the required mechanism for any post-employment Disputes.

No Dispute may be brought as a class or collective action either under this ADRPA or in court, and each employee agrees that he or she will not act as a class or collective action representative or participate as a member of a class of claimants with respect to any Dispute.

To initiate the resolution of all Disputes, an employee must first meet with the Vice President of Human Resources, or her designated representative, to discuss the nature and basis for any Dispute. An employee should initiate that process by making a written request to the vice president for human resources. This request should provide a brief statement of the dispute and the underlying facts. The human resources department will conduct a review of the matter and, to the extent necessary, conduct meetings between the employee and the appropriate SCAD representative(s) to informally resolve any differences. Employees must participate and cooperate with this internal review process prior to proceeding to the next stage of the process. The internal review process will conclude with

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## GENERAL UNIVERSITY POLICIES

the issuance of a letter from the vice president for human resources to the employee indicating that the internal review process has been completed.

If the internal review does not resolve the Dispute, then the Dispute may, at the election of either the Employee or SCAD within the time herein provided, be referred to a mutually agreed upon mediator. The cost of the mediator shall be borne by SCAD. If the matter is not resolved through mediation, the agreed upon mediator shall issue to all parties a letter indicating that the mediation process has been completed and that an impasse was reached.

If the parties are unable to resolve the Dispute through mediation, then such Dispute may be submitted to arbitration at the election of either the Employee or SCAD within the time herein provided. The parties will mutually agree on an arbitrator, who must be a retired federal judge unless a retired federal judge is not available to hear the dispute in a timely manner. The selected arbitrator must have a minimum of 5 years experience in the substantive practice area of the Dispute or in arbitrating similar types of Disputes.

This ADRPA and the Arbitration Procedures are promulgated pursuant to the Federal Arbitration Act. Except as otherwise provided in the Arbitration Procedures, the arbitration shall be final and binding and shall be conducted in accordance with the Federal Arbitration Act. Attorney's fees, expert witness fees, and costs shall be paid by the respective parties unless the arbitrator awards otherwise. In making his/her award, the arbitrator shall require the non-prevailing party to bear the cost of the arbitrator's fees, provided however, that SCAD will advance the cost of the arbitrator's fees at the initiation of the arbitration, subject to reimbursement by the employee following arbitration if the employee does not prevail.

The following rules and procedures shall apply to and be followed in the arbitration phase of the ADRPA: statutes of limitations and standing requirements applicable to the substantive claim, all rules of pleading, all rights to discovery, all rules of evidence, and all rights to resolution of the dispute by means of motions for summary judgment and judgment on the pleadings. To the extent that there exists a choice between federal or state rules and procedures as identified above, federal rules and procedures shall apply. The arbitrator shall act in accordance with the ADRPA and may grant any remedy or relief available as if the Dispute

had been asserted in court. In addition, the arbitrator shall have the authority to determine whether, and to what extent, this ADRPA applies to a Dispute between SCAD and an employee. The parties agree that the arbitration shall be conducted in accordance with and subject to, the rules and procedures set forth in the Arbitration Procedures. The Arbitration Procedures can be accessed electronically through MySCAD at the following imbedded hyperlink and paper copies are available upon request at SCAD's Office of Human Resources. [http://myscad.scad.edu/scaddocs/departments/humanresources/employee\\_relations/upload/Arbitration-Procedures-Manual.pdf](http://myscad.scad.edu/scaddocs/departments/humanresources/employee_relations/upload/Arbitration-Procedures-Manual.pdf)

SCAD and the employee shall each have thirty (30) calendar days from the end of each step in this ADRPA process to notify the other that they are not satisfied with the resolution at that stage of the ADRPA and wish to proceed to the next stage of the process. A failure to notify the other party, in writing, within thirty (30) days of the Final Determination of the internal review, mediation or arbitration shall be deemed a waiver of any right to continue the ADRPA process with respect to the Dispute at issue and shall be deemed a final conclusion and resolution of the Dispute. For purposes of this ADRPA, the date of "Final Determination" with respect to the internal review shall mean the date of the letter from the Vice President of Human Resources to the employee indicating that the internal review process has been completed. The date of "Final Determination" with respect to the mediation shall mean the date of the letter from the mediator to the parties stating that the mediation concluded without resolution of the Dispute. At its option, SCAD may elect to bypass one or more steps prior to arbitration for Disputes with the employee. At the sole election of SCAD, any mediations or arbitrations conducted pursuant to this ADRPA shall be held in Savannah, Georgia, Atlanta, Georgia, or the location where the employee lives or works. If SCAD elects to conduct a mediation or arbitration in a location other than the city where the employee lives or works, the employee will be reimbursed for reasonable and necessary travel expenses incurred for travel to the mediation or arbitration, including mileage and hotel fees.

For Disputes involving non-competition, non-solicitation, fiduciary or confidentiality obligations, as well as Disputes involving trade secrets, trademarks or intellectual property, the employee or SCAD may, without inconsistency with the ADRPA, petition any

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## GENERAL UNIVERSITY POLICIES

court of competent jurisdiction and seek interim, injunctive or other equitable relief until the arbitrator award is rendered or the Dispute otherwise resolved, provided that the employee may not petition any court concerning the enforceability of this ADRPA and the arbitrator shall have the sole authority to determine whether, and to what extent, this ADRPA applies to a Dispute between SCAD and an employee.

At all stages of this ADRPA process, all communications, information, documents, pleadings and awards (collectively referred to as "Information and Documents") shall be deemed confidential. The employee and SCAD mutually agree to maintain the confidentiality of the Information and Documents revealed, used or disclosed during or in connection with the ADRPA process, and not to disclose any such confidential Information or Documents to any third party, non-representative, including but not limited to, the media and other employees who do not have a business need to know.

This ADRPA contains mutual obligations between SCAD and the employee. The employee has agreed to mediate and then arbitrate his/her Disputes against SCAD and, in return, SCAD has agreed to mediate and then arbitrate any Disputes it may have against the employee. Both SCAD and the employee agree and hereby waive any right to a jury trial for any Dispute.

In the event that it is determined that the Federal Arbitration Act does not apply, then the arbitration portion of this agreement shall be enforced under the Georgia Arbitration Act. The acceptance of employment or the continuation of employment by an individual shall be deemed acceptance of this ADRPA. No signature is required for the ADRPA to be applicable or enforceable. The mutual obligations set forth in this ADRPA shall constitute a contract between the employee and SCAD but shall not change an employee's at-will relationship or any term of any other contact or agreement between SCAD and the employee. In the event that SCAD or the employee waives any portion of their rights under this ADRPA, such waiver shall not be deemed a waiver of any other portion of the ADRPA. This ADRPA together with the Arbitration Procedures shall constitute the sole remedy and entire agreement between the employee and SCAD for the resolution of Disputes. Should any term or provision of this ADRPA or the Arbitration Procedures, or portion thereof, be declared void or

unenforceable, it shall be severed, and the remainder shall be enforceable.

SCAD retains the right to modify or terminate this ADRPA and the Arbitration Procedures on thirty days' written notice. The policy, if any, in effect at the time a request for mediation and/or arbitration is initiated, will govern the process by which the Dispute is resolved.

### **807: Confidentiality and Release of Information**

The Savannah College of Art and Design Confidentiality and Release of Information policy governs the release of university information. All university records and files are the sole property of the university. Information contained in university records and files is considered confidential and proprietary and may not be disclosed to any persons or entities outside the university without the written permission of the president.

Faculty and staff employee may have access to or obtain possession or knowledge of confidential information relating to the business of the university, the university's related or affiliated companies, and/or the university's trustees, officers, directors, executives, partners, shareholders, agents, representatives, employees, attorneys, and/or students. Confidential information means all records, data, or other information which is treated by the university or by the university's related or affiliated companies as confidential and which has not been made generally available to the public or to competitors of the university (other than by fault of employee or other unauthorized disclosure). Such confidential information includes but is not limited to records, data or information pertaining to: trade secrets; personnel performance; medical records; student records; social security numbers, addresses, phone numbers or other identifying information for students, personnel and trustees; financial aid; budgets; business operations; expenditures; use of resources; credit ratings; loans; grants; business plans; financial plans; financial information; recruiting efforts; hiring parameters and efforts; donations; donor and potential donor identification; donor and potential donor contact information, including email addresses; non-public meetings; internal operating policies and procedures; settlements; any communications with attorneys; any legal matters (except for those documents that are actually in the public records); and any such information encompassed by the foregoing that is or has

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## GENERAL UNIVERSITY POLICIES

been obtained through the university's acquisition of any aspect of any other business or entity.

Disclosure of confidential and proprietary documents or information, directly or indirectly, during the course of an employee's employment or thereafter would be detrimental to the rights and business of the university.

During employment and following the termination of such employment, regardless of the reason for termination, employees shall not, directly or indirectly, other than as is authorized for conducting business on behalf of and for the benefit of the university:

- a. divulge the trade secrets or confidential information of the university to any person or entity who is not an officer, executive, or active trustee of the university; or
- b. make use of any confidential information or trade secrets of the university for so long as such information or material remains confidential information and/or a trade secret. This covenant is not intended to and does not limit in any way an employee's duties and obligations to the university under statutory or case law not to disclose or make personal use of trade secrets.

Upon termination of employment, or upon the request of the president of the university, all employees will deliver to the president of the university or her or his designee any and all documents and electronic files or information pertaining to the university to which an employee had access and an employee shall not retain any records, notes, reports, or any recorded matter or copies thereof relating to confidential information.

The university has invested substantial time and effort in developing its present and prospective donors. The university's present and prospective donors are the university's customers. During the course of employment and for a period of two (2) years following the termination of employment with the university, regardless of the reason for termination, an employee shall not, directly or indirectly through others, for his or her own benefit or for the benefit of any third party, solicit or attempt to solicit donations in any form from the university's donors or actively seek prospective donors with whom the employee had material contact during the last two (2) years of his or her employment with the university, other than those with whom the employee had a pre-existing, substantial relationship at the time the employee joined the

university, for the purpose of soliciting or encouraging them to donate or affiliate, in any form, with any other educational institution that offers degrees, courses of study, or services that are competitive with those offered by the university.

To maintain the confidentiality of the contents of all student and educational records, employees must comply with the Family Educational Rights and Privacy Act (FERPA) and not permit the release of educational records or personally identifiable information contained therein to any unauthorized individual without the student's written consent or as otherwise directed by the university in compliance with FERPA.

If an employee is compelled to disclose any confidential information or trade secrets of the university by valid subpoena, warrant or court order, the employee must provide written notice to the university's president not less than five (5) business days before making such disclosure of the reason for and nature of the disclosure, so if desired the university or other affected person or entity may take recourse to challenge disclosure.

Because various laws govern the release of confidential employee information, inquiries regarding students should be referred to the office of the registrar and inquiries regarding employees should be referred to human resources.

### **808: Family Educational Rights and Privacy Act (FERPA)**

The Family Educational Rights and Privacy Act (FERPA) affords students certain rights with respect to their educational records. They are:

1. The right to inspect and review the student's education record within 45 days of the day the Savannah College of Art and Design receives a request for access. Students should submit to the office of the registrar written requests that identify the record(s) they wish to inspect. The registrar will make arrangements for access and notify the student of the time and place where the records may be inspected. If the records are not maintained by the registrar, he or she will advise the student of the correct official to whom the request should be addressed. That official will make arrangements for access and notify the student of the time and place where the records may be inspected.
2. The right to request the amendment of the student's education record that the student believes

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## GENERAL UNIVERSITY POLICIES

is inaccurate or misleading. Students may ask the university to amend a record that they believe is inaccurate or misleading. They should write to the registrar, clearly identifying the part of the record in question, and specify why it is inaccurate or misleading. If the university decides not to amend the record as requested by the student, the university will notify the student of the decision and advise the student of his or her right to a hearing regarding the request for amendment. Additional information regarding hearing procedures will be provided to the student when notified of the right to a hearing.

3. The right to consent of disclosure of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent. One exception, which permits disclosure without consent, is disclosure to school officials with legitimate educational interests. A school official is a person employed by the university in a supervisory, administrative, academic, research or support staff position (including law enforcement personnel and health staff); a person or company with whom the university had contracted (such as an attorney, auditor, or collection agent); a person serving on the board of trustees; or a student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility. Upon request, the university will disclose a student's education records to officials of another school in which a student seeks or intends to enroll without the student's prior consent. The university also will disclose directory information in a student's education record unless it received written notice from the student that the student does not wish to be included in the disclosure of directory information on or before Oct. 1 of the current academic year. Written notice should be sent to the office of the registrar. Directory information includes the student's name, email address, physical address, telephone listing, date and place of birth, major field of study, minor field of study, participation in officially recognized activities and sports, weight

and height of members of athletic teams, dates of attendance, degrees and awards received, most recent previous educational agency or institution attended, and photograph.

4. The right to file a complaint with the U.S. Department of Education concerning alleged failures of the university to comply with the requirements of FERPA. The name and address of the office that administers FERPA is:  
**Family Policy and Compliance Office**  
**U.S. Department of Education**  
**400 Maryland Ave. SW**  
**Washington, DC 20202-5920**
5. The right to be informed of their rights under the Family Educational Rights and Privacy Act.

### **809: Disclosure of Protected Health Information**

All group health plans are governed by the Health Insurance Portability and Accountability Act of 1996. HIPAA regulates how and when an employee's medical information (or "Protected Health Information") can be used or disclosed. In order to comply with HIPAA, the university and the university's health plan have undertaken a number of steps to help guard against improper uses or disclosure of employees' Protected Health Information. Employees receive a separate notice, the Notice of Privacy Practices, that outlines the university's privacy policies. Employees who do not receive a copy of this notice or who need another copy may obtain the notice from human resources.

### **810: Politics**

Employees are permitted to engage in partisan politics on an individual, personal basis. In all correspondence, public statements, and other communications, employees should use home addresses and personal stationery and make no reference to their university employment or affiliation when dealing with partisan politics. No member of the university community speaks for any other member or for the university in such partisan matters.

### **811: Solicitation**

In order to maintain a proper business environment and to prevent interference with work and inconvenience to others, employees may not distribute literature or printed materials of any kind, sell merchandise, solicit financial contributions, or solicit for any other use during work time. Work time is the time that the employee is

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engaged or should be engaged in performing his or her work tasks for the university. These guidelines also apply to solicitation via the university's computer, email and telephone communication systems. Non-employees also are prohibited from distributing materials or soliciting employees on the university's premises at any time. Nothing in this section prohibits employees from discussing terms and conditions of employment.

### **812: University Legal Matters**

The associate vice president for academic support and legal affairs serves as the point of contact to provide advice and assistance for all university legal matters. Before making decisions on university legal matters, employees or departments must contact the associate vice president for academic support and legal affairs. No employee is authorized to act on behalf of the university regarding any university legal matter, except the associate vice president for academic support and legal affairs or persons expressly authorized by the president of the university. All employment related legal matters should be directed to human resources.

The university complies with all legal orders, including subpoenas and garnishments. Any employee who receives a legal order, subpoena or garnishment from any source must immediately forward the order to the associate vice president for academic support and legal affairs. The associate vice president for academic support and legal affairs will advise the employee regarding release of any university information.

Any employee who is contacted by a law enforcement officer or agency regarding a university matter should immediately notify the associate vice president for academic support and legal affairs or human resources.

Employees should not contact the university's corporate counsel without express authorization from the vice president for human resources or the president of the university.

### **813: Drug and Alcohol Policy**

The Savannah College of Art and Design has a vital interest in maintaining a safe, healthy, and protective environment for all employees and students, in protecting university property and equipment, and in ensuring effective and efficient operations. The university has adopted and implemented a program to prevent the use of illegal drugs and the abuse of alcohol by

employees and students. It is also the university's policy to maintain a drug-free workplace in keeping with the Federal Drug- Free Workplace Act of 1988. In addition, the university is in compliance with the Drug and Alcohol Abuse Prevention provisions of the Higher Education Amendments of 1998. Certain employees are also subject to the Department of Transportation drug and alcohol testing laws and regulations, as applicable. Any questions regarding this policy should be directed to the human resources department.

This written policy constitutes notice to all employees and job applicants that the university may test for illegal drugs and alcohol as a condition for employment or continuing employment. Such testing may include examination of tissue, blood, breath, urine, or other products of the human body capable of revealing the presence of drugs or their metabolites, or of alcohol. Employees and job applicants may be required to submit to pre-employment, random, post-accident, follow-up, return-to-duty, and reasonable suspicion testing. Reasonable suspicion may be present when an employee's physical appearance or behavior suggests potential drug or alcohol use. Observable indicators may include alcohol on the breath, slurred speech, lapses in performance, inability to respond appropriately to questions, and other physical symptoms of alcohol or drug use. In the event of a traffic accident or moving violation while operating a SCAD vehicle, the employee driver shall submit to a drug and alcohol screen regardless of signs of impairment. Refusal to comply shall result in termination. As used in this policy, illegal drugs include, but are not limited to, marijuana (except as necessary for a verifiable medical condition), cocaine, opiates, amphetamines and phencyclidine.

This written policy constitutes notice to all employees that the university may subject employees and/or their property to searches for drugs and drug paraphernalia. Property that the university may search includes, but is not limited to, cars, desks, briefcases, purses and lockers.

#### **General Prohibitions**

- The university strictly prohibits the unlawful possession, sale, purchase, manufacture, distribution, dispensation or use of illegal drugs, alcohol or other controlled substances by employees and students in university buildings, on university grounds or property (whether owned or leased by the university), while

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conducting university business, while operating a university-owned or leased vehicle, or while participating in any university activity.

- The use of alcohol in university buildings, on university grounds or property, while conducting university business or while operating a university vehicle is prohibited.
- No employee shall report to work or be at work while under the influence of illegal drugs or alcohol. The possession of drug paraphernalia, such as pipes, vials, needles, syringes (except as necessary for a verifiable medical condition) etc., is also prohibited. Employees must submit a doctor's note to the benefits department documenting the need for possession of drug paraphernalia.
- The unlawful involvement with drugs or alcohol off university property and/or outside work hours is prohibited. Outside conduct that is otherwise unlawful or negatively affects the university's relationships with the community, students, or other third parties is also prohibited.
- The sale, distribution, dispensation, or misuse of prescription medication or over-the-counter drugs is prohibited. The valid use of prescription medication or over-the-counter drugs is permitted. Employees must notify their supervisors at the start of the workday if they are using prescription medication or over-the-counter drugs that may impair their ability to perform safely.
- A positive drug or alcohol test, refusal to test, and refusal to consent to testing are violations of this policy.
- Failure to test and failure to keep an appointment to be tested are violations of this policy.
- Substitution, contamination, adulteration, dilution, or otherwise tampering with a sample violates this policy.

### **Consumption of Alcohol at University-sponsored Social or Business Events**

Occasionally, the university will permit the use of alcohol at university sponsored social or business events. The university's Drug and Alcohol Policy permits the serving of alcohol at university-sponsored events, such as selected art exhibition openings, with the prior approval of the associate vice president for university resources, or during business events such as dinners. All applicable laws must be followed and alcohol must not be served to any person under the age of 21 years. The university expects that any person who is served alcohol will exercise moderation and good judgment in the use of alcohol.

The university reserves the right to monitor all alcohol consumption and to limit the use of alcohol by employees and guests. The university may take the following steps to enforce its policies:

1. Refuse to serve alcohol to anyone who appears visibly intoxicated.
2. Discipline any employee who violates the university's drug and alcohol policy, harassment policy, or any other policy regarding appropriate behavior at a university-sponsored event.
3. Limit the serving of alcohol to a set period of time.
4. Provide cab rides for intoxicated employees or guests.
5. Serve alcohol only via a cash bar system.
6. Prohibit supervisors from purchasing alcohol for employees.
7. Serve food that is more substantial than snacks.

### **Procedures**

To educate employees about the dangers of drug abuse, the university has established a drug-free awareness program. Periodically, employees will be informed about this policy, the dangers of drug and alcohol abuse, the university's policy of maintaining a drug-free workplace, the availability of any counseling, rehabilitation or assistance program, and the consequences of violating this policy.

The university will obtain written consent from all applicants and employees prior to testing. The university will select the testing laboratory and chain of custody procedures will be followed. Testing shall be performed pursuant to a scientifically accepted method(s) approved by the National Institute on Drug Abuse or equivalent organization. Test results and other test information will be disclosed to appropriate university officials on a need-to-know basis.

Employees may provide information they consider relevant to the test, including identification of currently or recently used prescription or nonprescription medication, or other relevant medical information. However, the university reserves the right to take disciplinary action, up to and including termination of employment, based on the test results.

Nothing in this policy shall waive the university's right to terminate or revise this policy.

Employees must notify the university if they have been convicted of any criminal drug statute violation, including pleas of no contest, within five days of such conviction or plea, except that an employee need not

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disclose any conviction that has been discharged under the Georgia First Offender Statute. Failure to notify the university of a criminal conviction is grounds for dismissal.

### **Violation of Policy**

Employees must abide by the terms of this policy as a condition of employment or continued employment.

An applicant who tests positive is not eligible for employment. The university reserves the right, in its sole discretion, to take into consideration extenuating or medical circumstances which may result in a positive test result." Employees who violate any part of this policy are subject to disciplinary action by the university up to and including termination. In addition, employees who violate this policy may be referred for the completion of a substance abuse assistance or rehabilitation program specified by the university at the expense of the employee. An employee who violates this policy may forfeit rights to workers' compensation benefits in keeping with state law.

An employee who is also a student at the university, and who violates this policy, is also subject to discipline pursuant to the Student Code of Conduct, including but not limited to expulsion from the university.

The unlawful sale, purchase, manufacture, possession, use, dispensation, or distribution of drugs or alcohol may also subject individuals to criminal prosecution under federal, state, and/or local law.

### **Health Risks**

Alcohol abuse can lead to varied health problems.

Alcoholism, left untreated, shortens life expectancy by 10 to 15 years. A substantial number of alcohol users begin to seek the relaxing effects of this drug to "forget" their troubles, but they become dependent and create more problems for themselves, friends and family. Alcohol is the leading drug of abuse, is addictive for many people, and has many side effects. Alcohol is a depressant. Continued use of alcohol damages and eventually destroys brain cells. A psychological dependence occurs long before there is a physical dependence. Alcohol is a psychoactive or mind-altering drug.

Marijuana is a harmful drug. The potency has increased more than 275 percent over the last decade. There are more cancer-causing agents in marijuana smoke than in cigarette smoke. Marijuana interferes with the body's immune response to various infections and diseases. Small doses can impair memory function, distort perception, hamper judgment and diminish motor skills.

Cocaine is one of the most powerfully addictive drugs, and it can kill. Cocaine is a very strong stimulant to the central nervous system, including the brain. This drug produces an accelerated heart rate, while at the same time constricting blood vessels trying to handle the additional flow of blood. These physical changes may be accompanied by seizures, cardiac arrest, respiratory arrest or stroke.

PCP is a hallucinogenic drug. It alters sensation, mood and consciousness and may distort hearing, touch, smell or taste, as well as visual sensation. PCP induces a profound departure from reality, which leaves the user capable of bizarre behavior and severe disorientation. Psychotic behavior may continue for as long as two weeks after a single dose.

Hallucinogens include LSD, mescaline and mushrooms. These drugs affect perception, sensation, thinking and emotion. The user may have difficulty distinguishing between fact and fantasy and may hallucinate. The effects of these drugs may be different in each person with each administration.

### **Resources/Helplines**

Employees seeking assistance for drug and alcohol abuse issues may use the services of the university's Employee Assistance Program. The program, managed by Liberty Mutual, provides free counseling, referrals and consultations for eligible employees and their families. Employees may contact Liberty Mutual's Employee Assistance Program at 877.695.2789, 24 hours a day, seven days a week.

The Savannah and Atlanta areas have a number of resources and helplines available for information, counseling, treatment, and other assistance regarding drug and alcohol abuse. Employees are encouraged to use these resources at their discretion. Employee use of these resources is confidential. Employees also should consult their personal physician for assistance.

### **Savannah**

Alcoholics Anonymous . . . . . 912.356.3688  
[www.savannahaa.com](http://www.savannahaa.com)

Narcotics Anonymous . . . . . 912.238.5925  
[www.grscna.com](http://www.grscna.com)

Healthy by Design  
[scadwellnesscoach@MemorialHealth.com](mailto:scadwellnesscoach@MemorialHealth.com)

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### Atlanta

Alcoholics Anonymous . . . . . 404.525.3178  
www.atlantaaa.org

Narcotics Anonymous . . . . . 404.708.3219  
www.grscna.com

Healthy by Design  
scadwellnesscoach@MemorialHealth.com

### Toll-free

Alcoholics Anonymous . . . . . 212.870.3400  
www.aa.org

Al-Anon. . . . . 888.425.2666  
www.al-anon.alateen.org

Narcotics Anonymous . . . . . 800.334.3322  
www.na.org

Cocaine Anonymous . . . . . 800.766.1531  
www.ca.org

Parents. The Anti Drug. . . . . 800.662.HELP  
www.theantidrug.com/atwork/

Center for Disease Control . . . 800-CDC-INFO  
(800.232.4636), www.cdc.gov/nchstp/

### 814: Workplace Violence

The university is committed to a nonviolent environment for all employees and students. Acts of violence and threats of violence are not acceptable conduct in the workplace and will not be tolerated. Violent acts and threats of violence must be reported immediately to the department supervisor, human resources and/or the director of university security. When reporting a threat of violence, employees should be as specific and detailed as possible.

Acts or threats of violence may include, but are not limited to, fighting, "horseplay," or other conduct that may be dangerous to others. Firearms, weapons, and other dangerous or hazardous devices or substances are prohibited from the university premises without proper authorization.

Conduct that threatens, intimidates or coerces another employee, a customer or a member of the public at any time, including off-duty periods, will not be tolerated. This prohibition includes all acts of harassment, including harassment that is based on an individual's sex, race, age or any characteristic protected by federal, state or local law. All suspicious individuals or activities should also be reported as soon

as possible to a supervisor and/or human resources.

Employees should not place themselves in peril.

The university will promptly and thoroughly investigate all reports of threats of (or actual) violence and of suspicious individuals or activities. The identity of the individual making a report will be protected as much as is practical. In order to maintain workplace safety and the integrity of its investigation, SCAD may suspend employees, either with or without pay, pending investigation, except in the case of actual physical fighting, in which case the employee(s) involved will be suspended without pay pending investigation.

Anyone determined to be responsible for threats of (or actual) violence or other conduct that is in violation of these guidelines will be subject to prompt disciplinary action up to and including termination of employment. Where appropriate, employees may be referred to the Employee Assistance Program.

### 815: University Security

The university makes all reasonable efforts to ensure the security of its employees, students, authorized visitors, and its property. All faculty, staff and students must display their identification cards to gain access to university buildings. Security guards are located in many university buildings. Security guards are responsible for ensuring that only properly authorized persons enter university buildings. In addition, security guards are responsible for ensuring that all equipment leaving university buildings has proper documentation. Security will stop persons who do not have the proper authorization to remove equipment and hold the equipment until authorization is obtained.

Comprehensive security coverage for students, university buildings and university activities are provided by a contracted security service. A 24-hour emergency telephone line is also maintained to report safety concerns. Services include evening building coverage for academic buildings and residence halls, special event coverage, university patrols and information on personal safety and security of property.

In accordance with the Clery Act, SCAD provides a full report of the past year's crimes. The actual report is called the Annual Security and Fire Safety Report. All employees can access the report from the SCAD Department of Public Safety office in Savannah, the student services office in Atlanta, and SCAD's website. SCAD sends email notifications annually to

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inform and remind employees when the annual report is published. Also, in accordance with the Clery Act, both a daily log and a weekly summary are kept of university security incidents. You can view the daily logs of incidents for each SCAD location, as well as the Annual Security and Fire Safety Report at <http://www.scad.edu/life/safety-and-security>.

The director of university security manages the security contract and is responsible for all aspects of the university's student safety program. Security concerns should be brought to the attention of the director at 912.525.4500 in Savannah and 404.253.3333 in Atlanta.

### **816: Crisis Plan**

In the event that an employee is made aware of a crisis or tragedy involving a member of the university community or a university facility:

- Call 911 to report the incident and gain immediate help.
- Call university security in Savannah at 912.525.4500 to gain university security support, and notify the scheduled on-call manager at 912.525.4800. In Atlanta call 404.253.3333.
- Call the director of university communications at 912.525.4881 to report the incident.

The director of university communications notifies the president and all vice presidents. It is very important to refer any and all media contacts to the director of university communications, who serves as the university spokesperson and is the central point of contact for all questions. The director of university communications notifies the following crisis team members:

- vice president for student success, who calls together a team to notify and answer the concerns of students.
- chief academic officer, who notifies and answers the concerns of faculty and deans, who notify their department chairs, who notify faculty.
- vice president for human resources, who notifies and addresses the concerns of employees.

### **817: Video Surveillance Policy**

SCAD employs a video surveillance system for security purposes. Students, employees and visitors are subject to being monitored by video recorder at all times within certain SCAD common areas such as hallways/walkways, open workspaces, individual offices, parking lots and break areas. Video surveillance will not be conducted in restrooms, locker rooms and dressing areas.

The director of security is responsible for the

selection, coordination, operation, management and monitoring all security surveillance systems pursuant to this policy. All camera installations are subject to federal and state laws. Information obtained from surveillance shall be used for safety and security purposes only and for law and policy enforcement, including, where appropriate, student judicial functions.

This policy is not intended to imply or guarantee that cameras will be monitored in real time 24 hours a day, seven days a week.

### **818: Personal Recording Devices**

In order to secure employee privacy and confidentiality of university business, SCAD prohibits employee use of personal cameras, camera phones, digital cameras and other video devices, Internet-accessible webcams, tape and audio recorders or other recording devices during work time. Work time is the time an employee is engaged or should be engaged in performing his or her work tasks for the university.

### **819: Employee Safety**

The university strives to develop and maintain safe working conditions and encourages employees to work carefully and safely. The prevention of accidents is primarily an individual responsibility. If any unsafe working conditions are detected, employees should immediately report them to their supervisors and the physical resources office.

It is the policy of the university to comply with all applicable federal, state and local health and safety regulations to provide a work environment as free as practicable from recognized hazards, including the requirements set forth in the Occupational Safety and Health Act (OSHA). Employees are expected to comply with all safety and health requirements whether established by the university or by federal, state or local law.

Questions or concerns regarding the university's compliance with safety or environmental regulations should be addressed to the environmental safety and health manager at 912.525.5080 or vice president for human resources. Violations of university safety rules, regulations or procedures may result in disciplinary action, up to and including termination.

### **820: Smoke-free Environment**

The university maintains a smoke-free environment to support the health and wellness of all students, faculty

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and staff. Faculty, staff, students and visitors are prohibited from smoking at any time in any SCAD building or vehicle. Smoking directly outside main entrances of university buildings also is prohibited. Staff may contact the benefits office for information regarding smoking cessation programs. This policy applies to all substances and smoking devices (e.g., tobacco, herbal, electronic cigarettes).

### **821: Ergonomics Policy**

SCAD is committed to maintaining a safe and healthful work environment for all employees, as well as to reducing costs, increasing productivity, and improving the quality of life for all employees.

Employees who experience an ergonomic injury, or who have a concern about ergonomics must notify their supervisor and human resources immediately. For a copy of the university's Ergonomics Program, call the environmental safety and health manager at 912.525.5080.

### **822: Technology Policy**

SCAD stresses respect for all university technology and consideration for those who use the system. Use of the SCAD technology is considered a privilege rather than a right. Use of the network is for the university community; therefore, users are responsible for all activities generated by their accounts at all times. Use of the network outside the scope of SCAD-related activities (including commercial accounts) is prohibited. The network is designed to monitor activity of all users. All users must abide by guidelines and restrictions on access and use. These guidelines are posted or distributed either electronically or in physical form.

Upon submission of the signed user agreement, each network user is assigned a user name. Each user is responsible for the confidentiality of his or her password and account. School policy prohibits attempting any system security bypass involving equipment from SCAD.

Users may not download or upload programs or other material protected by copyright without written authorization signed by both the user and the vice president for information technology. This material includes any software belonging to the user or software located on the SCAD system. Violations of the user agreement may result in the loss of user privilege and/or disciplinary action.

### **Internet and Email**

Access to the Internet and email are services provided to the faculty and staff of the university. These services are to be used for university purposes only during work hours. All other uses are prohibited during work hours. This includes the adding of any electronic signature not approved by university administration. Any violation of this policy may be grounds for disciplinary action including removal of access privileges.

### **Use of Personal Identification Numbers**

The university may issue staff and faculty members a Personal Identification Number to access certain university systems. PINs are considered confidential and must not be shared with any other user. The university reserves the right to terminate the use of a PIN without prior notice.

### **Acceptable Use**

The use of computers and/or accounts must be in support of education and research and consistent with the educational objectives of the university. Use of another organization's network must comply with the rules appropriate for that network. Transmission of any material in violation of any local, state or federal regulation is prohibited. This material includes, but is not limited to, copyrighted material, threatening or obscene material, and material protected by trade secret. Use for commercial activities is prohibited unless exempted by the vice president for information technology. Product endorsement, political lobbying and illegal activities also are prohibited.

Any use of university computers and university servers to transmit material that may be perceived as sexual in nature may be considered a violation of the university's sex-based discrimination, sexual harassment and sexual misconduct policy as well as the technology policy. The university reserves the right to direct that the transmission of any sexually inappropriate material be ceased and to remove the material itself if necessary.

The university has the right to remove any material that is contrary to the university's mission or is otherwise inappropriate. The university can revoke the privilege of using university computers from an individual violating this provision. Violations of the policy may be treated as disciplinary actions under the student code of conduct and other university policies. Staff and faculty bear the responsibility of knowing

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what activities are prohibited by state and federal law, including the Georgia Computer Systems Protection Act, federal copyright and trademark laws, stalking laws and software piracy laws, TEACH Act, and Fair Use. Staff and faculty must not engage in any computer activities that are illegal; those who do engage in such activities may be disciplined up to and including termination.

### Reliability

SCAD makes every effort to ensure the networks' reliability. The university is committed to data back up and integrity of stored information, ensuring access and providing technical support. SCAD is not responsible for any monetary or emotional damage suffered by staff and faculty members as result of system failure, staff and faculty error or omissions, or other damage not affiliated with the university.

The complete text of the university's technology policies may be found on MySCAD at [myscad.scad.edu](http://myscad.scad.edu).

### 823: Social Media Policy

The university utilizes social media as a valuable tool to reach specific audiences, including potential and current students, alumni, employees, esteemed artists and visitors. This policy governs the manner in which social media sites and/or pages are created, maintained and monitored by SCAD.

Social media is defined as "forms of electronic communication (as Web sites for social networking and microblogging) through which users create online communities to share information, ideas, personal messages, and other content (as videos)" (source: [merriam-webster.com/dictionary/social media](http://merriam-webster.com/dictionary/social media)). Social media includes, but is not limited to, blogs, podcasts, discussion forums, on-line collaborative information and publishing systems that are accessible to internal and external audiences (e.g., Wikis, RSS feeds, video sharing, and social networks (such as Google+, Facebook, LinkedIn, Flickr, Twitter, Tumblr and Foursquare).

University presence or participation on social media sites includes, but is not limited to:

1. official SCAD social media sites/pages established by the university on university-owned domains;
2. official SCAD accounts on external sites such as Facebook, LinkedIn, Twitter, YouTube, etc. created on behalf of the university;
3. SCAD employee personal accounts on external sites that are approved by SCAD for use or participation

by employees as part of their job duties; and

4. SCAD approved sites that may support the students' classroom experience.

All requests to create official SCAD social media sites/pages must be reviewed and approved by the public relations and marketing department and interactive services department prior to being created, regardless of whether the employee seeking to create the site/page is authorized to do so in accordance with his or her job duties. Once the site/page has been approved, employees are required to create, maintain and monitor the site/page within any guidelines set forth in their department, as well as within the guidelines of their specific job duties. Login and password information for official SCAD social media sites/pages will be owned by the office of public relations and marketing.

All requests for university presence or participation on a social media site, including use of the SCAD brand by faculty, staff, student employees and external partners, such as vendors and contractors, must be sent to the interactive services department at [socialmedia@scad.edu](mailto:socialmedia@scad.edu) for approval.

Social media utilized on behalf of the university should support and fulfill the university's mission, vision and values. Faculty and staff, including student employees, who engage in conversations online for work-related purposes, or who are asked by supervisors to use or participate in social media as part of his or her job responsibilities, are required to adhere to this policy.

Any use of university trademarks, service marks, logos, seals, graphics, etc. shall comply with the university's Communication Policy. For information regarding the most current and acceptable university marks, employees should contact [communications@scad.edu](mailto:communications@scad.edu). Employees are prohibited from using the SCAD name, seal, logo or any other university marks for non-university related business (see Policy 824: University Name, Seal Logo).

The public relations and marketing department and/or interactive design department reserve(s) the right to monitor and assess any social media sites or initiatives, as well as their content, remove any sites deemed ineffective or dormant, counsel those who represent the university on-line to ensure adherence to aforementioned policies, and take action to restrict or remove an employee's ability to participate in approved social media on behalf of the university.

All employees who participate in social media

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must comply with the university's Confidentiality and Release of Information Policy, the Family Educational Rights and Privacy Act Policy (FERPA) and the Disclosure of Protected Health Information Policy (HIPAA); and all applicable state and federal laws. Employees may not post confidential or proprietary information about the university, or its students, employees, or alumni.

All employees who participate in social media must adhere to the university's Intellectual Property Policy, Copyright Compliance Policy, and Copyright Compliance Guidelines, Technology Policy, Website Privacy Policy, Code of Ethics/Conflict of Interest Policy, communications policies and other applicable SCAD policies. Employees are liable for all postings to social media sites.

Employees who fail to comply with the terms of this policy may be disciplined up to and including termination.

Questions regarding the social media policy should be directed to the interactive services department at [socialmedia@scad.edu](mailto:socialmedia@scad.edu), human resources or the public relations and marketing department.

### **824: University Name, Seal, Logo**

Employees are expected to respect the laws regarding copyrights, trademarks, rights of publicity and other third-party rights. The university prohibits use of its name, seal, logos, emblems, trademarks, service marks or university letterhead for non-university related business. When in doubt, employees should seek written authorization from the director of university communications. Unauthorized use of these items for commercial, personal, organizational or political gain is subject to disciplinary actions, up to and including termination.

### **825: Use of Images**

Representatives of the university take photographs or video for use in print and electronic publications at various university events and pre-determined times, depending on the needs of the university. This policy services as public notice of SCAD's intent to photograph at will for the purposes of the university, as well as, provide release to the university to use such images for university purposes. Employees who object to use of their photograph(s) have the right to withhold their release by contacting the office of creative direction at 912.525.5225. Refer to the university's Intellectual

Property Policy, available in MySCAD, for additional information regarding rights of photographs and/or videos taken on behalf of the university.

### **826: Media and Communications**

In order to ensure a consistent company response or message regarding university matters, employees should direct all questions from the media regarding the university to the director of university communications at 912.525.4881.

The complete text of communications policies and guidelines is available on MySCAD and includes:

1. **Submission Guidelines:** Each department at SCAD has been designated a specific point of contact through whom all communications requests will be placed. Communication requests include advertising, mass emails, graphic design, media relations, news releases, photography, printing, Web site changes or updates, and master calendar entries. Other relevant requests will be handled on a case-by-case basis. Contact [communications@scad.edu](mailto:communications@scad.edu) or 912.525.5225 for more information or to submit a request.
2. **Graphic Standards:** The university has established visual standards policies in regard to various logos and symbols used by the university; these policies apply to all visuals representing the university. Exceptions to the established graphic standards policy must be approved before publication.
3. **Editorial Style Guidelines:** All editorial content representing the university should be well written and consistent. The editorial department follows style rules compiled by the department as well as rules established by the Associated Press Stylebook and Webster's New World Collegiate Dictionary.

These editorial style guidelines also should be followed on any print or electronic documents for internal or external mass distribution.

4. **Copyright Compliance Policy**  
The Savannah College of Art and Design is committed to complying with the United States Copyright Act. Thus, SCAD has enacted this Copyright Compliance Policy to encourage and promote the legitimate use of copyrighted materials by faculty, staff and students. SCAD expects all faculty, staff and students to comply with the Copyright Act and this policy. Compliance is particularly important with respect to digital technology.

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In addition to this policy, see the Trademarks, Copyright Compliance Policy, Copyright Compliance Guidelines, and SCAD eLearning and Teach Act Policy.

### 5. Digital Communications Guidelines

#### a. Use of SCAD Accounts

Refer to the Technology Policy for complete guidelines and procedures surrounding use of SCAD accounts.

By using a SCAD account on an external organization's site or network, on a SCAD Internet domain, or in any other means of digital communication, SCAD account holders agree to abide by these policies at all times. Said policies apply to Web sites, blogs, discussion boards, social networking sites, intranet sites, and any current or future communication media.

The university has the right to remove any material that is contrary to the university's mission or is otherwise inappropriate.

#### b. Mass Emails

Access to SCAD's email message systems is part of the Internet services provided to SCAD faculty and staff. This service is to be used during work hours for university purposes only. Any violation of this policy may be grounds for disciplinary action including removal of access privileges.

Mass emails, defined as emails to a group or listing of more than 25 addresses, are reserved for the facilitation of university business or the promotion of official university events. All mass emails must be sent through communications@scad.edu. A mass email request regarding an event will not be approved if the event is not on SCAD's master calendar. Examples may be information and announcements regarding lectures, seminars, special guests, events, exhibitions, receptions and openings.

SCAD reserves the right to refuse email message requests deemed inappropriate for mass distribution. This policy does not prohibit individual faculty members from sending emails to students enrolled in their classes, or to an individual student. Any questions regarding this policy should be sent to the creative direction department or to communications@scad.edu.

To support a more effective email message

system, the creative direction department may recommend alternative or additional communication channels, such as weekly email digests, the college Web site, in District (the student newspaper) or by some other means.

#### c. Web Sites

The university's information technology department is responsible for:

- Production and management of the university's main Web address, www.scad.edu, official content and specific ancillary Web sites that support the university's reputation and recruitment goals; and
- Management and training for the university's Content Management System.

The information technology staff will provide a list of vendors the university has worked with in the past and assist departments in contacting them for assistance with:

- Designing and creating content for a specific department that is not part of the university's overall Web strategy and
- Working with external Web design firms to help create Web pages or site.

Funding for Web development and design will come from the requesting department. Web site or pages will require hosting services as well (see below).

The information technology department reserves the rights to edit, change, alter and/or remove Web pages that do not meet or that violate established policies and guidelines.

External Web sites developed by outside vendors will not be associated with the university www.scad.edu address. The university uses a Content Management System. External vendor sites cannot be assimilated into the system, and external vendors cannot have access to the university's main website system. The university will link to external pages, but cannot host them. When the link is clicked on, it will open a new browser window.

### **827: Website Privacy Policy**

SCAD is the sole owner of information collected via its website. All employees are informed of the importance of, and any changes in, security and privacy practices in periodic updates. Users of the website agree to and

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## GENERAL UNIVERSITY POLICIES

are bound to abide by the terms and conditions of the university's website policies, copyright policy and United States copyright laws. Website users assume all responsibility for use of the Savannah College of Art and Design website and waive all claims against the university, its officers, directors, employees, suppliers and programmers that may arise from the utilization of the website. The Savannah College of Art and Design website does not constitute a contract, and all portions are subject to change without notice.

The complete website Privacy Policy is located on the website, [www.scad.edu](http://www.scad.edu), or may be obtained from the interactive services department at 912.525.5495.

### **828: Use of University Computer Labs During Academic Breaks and Other Times**

All SCAD computer labs, except those located in the Jen Library, are closed between academic quarters while classes are not in session. During these breaks, students are not allowed to use these labs. Labs also may be inaccessible at other times due to required maintenance.

The computer labs in the Jen Library are open and accessible to all currently enrolled students on all days and at all hours that the library is open, including during academic breaks.

To use a SCAD computer lab, currently enrolled students must have a valid SCAD ID card and may be required to show their ID to university personnel upon entering the building and the lab. Students who do not possess proper ID may not be admitted to the lab or may be asked to leave.

Alumni may use SCAD computer labs for three months following their graduation from the university. For more information regarding access, contact career and alumni success at 912.525.5868 or the vice president for information technology at 912.525.4001.

### **829: Copyright Compliance Policy**

#### **Purpose**

SCAD expects all faculty and staff members to comply with the Copyright Act and its policy. Compliance is particularly important with respect to digital technology. This policy appears in its entirety below.

SCAD is also committed to providing an environment that supports the creative and teaching activities of its faculty, students and staff. While the primary focus of these activities is on the advancement of the university, works produced by such activities often

have benefits beyond their academic intentions. The Intellectual Property Policy is intended to assist the university's faculty, staff, employees and students in identifying, protecting and administering intellectual property matters. The full Intellectual Property Policy can be found at [scad.edu/about/scad-glance/disclosures-and-policies/compliance-and-policies/intellectual-property](http://scad.edu/about/scad-glance/disclosures-and-policies/compliance-and-policies/intellectual-property), or obtained from the institutional effectiveness department.

#### **What Is Copyright?**

The Copyright Act protects "original works of authorship fixed in any tangible medium of expression," including:

- Literary works, including text, email, Web information and computer programs;
- Musical works, including any accompanying words;
- Dramatic works, including any accompanying music;
- Pantomimes and choreographic works;
- Pictorial, graphic and sculptural works; and
- Architectural works.

Copyright protection is available to both published and unpublished works and applies regardless of the form of the work—print, audio, video or electronic format. Section 106 of the Copyright Act grants copyright owners the exclusive right to:

- Reproduce the work (i.e., make copies of the work);
- Prepare derivative works (i.e., translate the work into another language, adapt a book into a screenplay);
- Distribute the work (through sale, lease, rental or lending);
- Perform the work publicly (through a digital audio transmission, etc.); and
- Display the work publicly (through a pictorial, graphic, sculptural, motion picture, etc.).

The law no longer requires a copyright notice on the work, thus the presence or absence of such notice is insignificant as to whether a work is protected under copyright law.

#### **Works That Are Not Protected**

The following types of works are not protected by copyright law and may be freely used by faculty, staff and students:

- Works that lack originality (i.e., logical, comprehensive compilations (like the phone book) and unoriginal reprints of public domain works);
- Works in the public domain;
- Acts; and

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## GENERAL UNIVERSITY POLICIES

- Ideas, processes, methods and systems described in copyrighted works.

Public domain refers to works that are available for unrestricted copying by the public at large without prior permission. Material that resides in the public domain includes works whose copyrights have expired; works that were created too early to have copyright protection (anything published prior to 1923); works by the federal government; and works donated to the public by authors or artists (i.e., freeware). All copyrighted works pass into the public domain upon the expiration of their term of protection. The numerous changes in the term of copyright duration have made it difficult to determine whether a work is currently in the public domain. Any work created since January 1, 1978 is still protected. If a work is older than 1923, it is in the public domain. If a work was published before 1964 and the copyright owner did not obtain a copyright extension, it is also in the public domain. While materials published by the United States federal government fall into the realm of public domain, works created by state and local governments do not.

### Use of Copyrighted Materials

Pursuant to the Copyright Act and this Policy, faculty, staff and students shall “use” all or part of a copyrighted work only (i) with the copyright owner’s written permission, or (ii) if a legal exception applies (as discussed below). “Use” of a work includes copying, distributing, making derivative works, publicly displaying, or publicly performing the work. Faculty, staff and students who place copyrighted materials on any Web site (e.g., the SCAD Web site, a faculty- or student-sponsored Web site, a public Web site, a password-protected Web site, etc.) are responsible for compliance with the Copyright Act and this Policy.

### Violations

Violations of the Copyright Act include civil and criminal penalties. Thus, it is important that all faculty, students and staff become familiar with this policy and comply with the law. Furthermore, if the [Intellectual Property Committee] of SCAD determines that any faculty, staff or student is in violation of this Policy, such person shall be subject to disciplinary action by SCAD. For more information, go to the website of the U.S. Copyright Office at [www.copyright.gov](http://www.copyright.gov).

### Exceptions to the Copyright Act

There are exceptions to many of the exclusive rights

granted to copyright owners. For example, the first sale doctrine states that an individual who has purchased a legal copy of a work may then resell or lend that copy. Other statutory limitations include the fair use, performances and displays in face-to-face teaching, reproductions made by libraries and the Technology, Education and Copyright Harmonization Act (the “TEACH Act”), all of which are discussed below.

### Fair Use

Section 107 of the Copyright Act, the Fair Use Statute, allows a person to copy limited amounts of copyrighted material without requiring prior permission. The right of fair use is specifically applicable to teaching, research and scholarship. However, its scope depends on the following four factors:

- Purpose and character of the use (most importantly whether it is for commercial gain or for nonprofit educational purposes);
- Nature of the copyrighted work (how creative or noncreative is the work);
- Amount and substantiality of the portion used in relation to the work as a whole; and
- Effect of the use upon the potential market for or value of the copyrighted work.

These factors must be weighed and balanced to determine whether use is “fair” or not. As a result, fair use is complicated and subject to differing interpretations. There are no specific rules that strictly define how much of a work is an acceptable amount to use.

1. Purpose. Fair use favors nonprofit educational uses over commercial uses. However, copies used in education, but made or sold at a monetary profit, weigh against fair use. Furthermore, fair use is more likely when the copyrighted work is “transformed” into something new or of new utility, such as quotations incorporated into a paper, and pieces of a work mixed into a multimedia product for teaching or included in commentary or criticism of the original.
2. Nature. This factor examines characteristics of the work being used. If the work is nonfiction (i.e., facts) and published, fair use is favored. However, fictional works and unpublished works weight against fair use.
3. Amount. Amount is measured both quantitatively and qualitatively. No exact measures of allowable quantity exist in the law. Quantity must be

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evaluated relative to the length of the entire original and in light of the amount needed to serve a proper objective. Copying of an entire work usually weighs heavily against fair use. However, if a small portion takes “the heart of the work,” copying of that small portion weighs against fair use as well.

4. Effect. This factor asks, “If the use were widespread, would the copyright owner be losing money?” If your purpose is research or scholarship, market effect may be difficult to prove. If your purpose is commercial, then adverse market effect is often presumed. Furthermore, occasional quotations or photocopies may have no adverse market effects, but reproductions of software and videotapes can weigh against fair use. With respect to classroom use, this factor is considered the most important in determining fair use. If copying potentially endangers or undermines the market value of the copyrighted work, this factor weighs against fair use. For example, a teacher cannot copy and distribute an entire textbook to students in a classroom.

### Performances and Displays in Face-to-Face Teaching

Section 110(1) of the Copyright Act provides faculty with a separate set of rights in addition to fair use, specifically the right to display (show) and perform (show or play) others' works in the classroom. However, this exception only applies in face-to-face teaching, not distance education. Thus, a teacher may show or perform any work (including still images, music of every kind and movies) related to the curriculum, regardless of the medium, face-to-face in the classroom. There are no limits and no permission is required.

### Library Exceptions

Section 108 of the Copyright Act authorizes libraries to (i) archive lost, stolen, damaged or deteriorating works; (ii) make copies for library patrons; and (iii) make copies for interlibrary loan. For information regarding library reserves, refer to the SCAD Library Reserves Policy.

### TEACH Act - e-Learning

The TEACH Act allows faculty at accredited educational institutions to use works that are protected by copyright in distance education (including on Web sites and by other digital means) without first obtaining the owner's permission. The TEACH Act updates the Copyright Act allowing online instructors to electronically transmit “limited and reasonable portions”

of copyrighted works. The TEACH Act, however, is not as broad as the face-to-face rights provided in Section 110(1). The TEACH Act sets forth specific requirements and limitations that must be adhered to when digitally displaying or performing copyrighted works in connection with distance education. These requirements are set forth in the SCAD e-Learning and TEACH Act Policy.

### Permission

When in doubt as to whether a work is not protected (i.e., in the public domain) or an exception applies (i.e., fair use or the TEACH Act), faculty, staff and students should request written permission from the copyright owner before using the work. Furthermore if an exception does not apply and the work is protected, then faculty, staff and students must obtain permission before “using” the work. Permission may be obtained through the Copyright Clearance Center. Visit the CCC Web site at [www.copyright.com](http://www.copyright.com).

### Guidelines For Compliance

For specific examples of uses of copyrighted material that are permissible, refer to the SCAD Copyright Compliance Guidelines.

### 830: Photocopying of Copyrighted Material

The Savannah College of Art and Design, in compliance with U.S. copyright law, does not permit the reproduction of any copyrighted material without written consent of the author, artist, and/or publisher. This includes, but is not limited to, chapters from books, out-of-print books, articles from journals, periodicals, newspapers and magazines, graphics, illustrations, charts and tables, works of art, sheet music, case studies, Internet content, and manuals. In accordance with university policy, university printing does not reprint copyrighted materials. The university provides a solution for staff and professors who need to distribute excerpts from published materials to students. The bookstore, Ex Libris, contracts with a private publishing company to create custom course packets. The company obtains copyright permission from appropriate sources and collates published materials into custom packets that students may purchase from the bookstore. To create custom course packets, professors must complete order forms and submit all materials for copying to Ex Libris no less than six weeks prior to the start of each quarter. Reorders of packets may be made each quarter using

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the assigned document number, including any additions or deletions to the materials. Reorders also must be submitted no less than six weeks prior to the start of each quarter, as written permission to copy materials must be obtained each quarter. Professors and employees who have questions concerning the process for obtaining custom course packets, or the university's photocopying policy, should contact the executive director of creative production at 912.525.5209.

### **831: e-Learning and TEACH Act Policy**

#### **Purpose**

The Savannah College of Art and Design ("SCAD") has enacted this e-Learning and TEACH Act Policy (the "Policy") for faculty, staff and students who are involved with SCAD's e-Learning online distance education programs. This Policy applies when faculty, staff and students are digitally transmitting copyrighted materials in SCAD e-Learning programs in accordance with the TEACH Act.

#### **What Is the TEACH Act?**

The Technology, Education and Copyright Harmonization Act ("TEACH Act") updates the Copyright Act with respect to distance education. The TEACH Act allows faculty and students at an accredited, nonprofit educational institution to digitally transmit certain copyrighted materials without permission from the copyright owner, subject to certain requirements and limitations as discussed below.

#### **Works Allowed**

- Performance of a nondramatic literary work (e.g., poetry or short story readings);
- Performance of a nondramatic musical work;
- Performance of any other work, including dramatic works and audiovisual works, but only in "reasonable and limited portions" (i.e., small portions of films, videos, opera and music videos);
- Displays in an amount comparable to that which is typically displayed in the course of a live classroom session (e.g., photographs, slides and artwork images); and
- Digitized versions of analog works provided that the work is not available in digital format.

#### **Works Excluded**

- Digital educational works (i.e., works produced or marketed primarily for performance or display as part of a digitally transmitted mediated instructional activity);

- Electronic textbooks;
- Course packs;
- Electronic reserves;
- Unlawfully acquired works (i.e., pirated works); and
- Digitizing materials that are already available in digital format.

#### **Requirements**

- A. **Mediated Instructional Activities:** The TEACH Act requires that the digital transmission of copyrighted material be in the context of "mediated instructional activities." This means that the copyrighted work digitally transmitted must be:
  - by, at the direction of, or under the actual supervision of an instructor;
  - an integral part of a class session (i.e., not merely entertainment or unrelated background material; furthermore supplemental materials such as textbooks and course packs do not qualify); and
  - directly related and of material assistance to the teaching content (i.e., analogous to the type that would be used in a face-to-face classroom setting).
- B. **Technological Requirements:** First, only students enrolled in the online class can access the materials. Thus, access must be password protected or similarly restricted to ensure that only students enrolled in the class access the online materials. Second, the materials can be digitally accessible only by students for a limited duration--during the "class session" (i.e., the period during which a student is logged on to the server making the performance or display). Finally, students must be technologically restricted from retaining a permanent copy of the material and from further disseminating it.

#### **Faculty Responsibilities**

Any faculty member who utilizes copyrighted materials without permission in an e-Learning program must ensure that such materials meet the qualifications set forth in the TEACH Act. To comply with the TEACH Act, the faculty member must:

- Ensure that the copyrighted work is permissible under the TEACH Act;
- Comply with the requirements set forth above (i.e., mediated instructional activities and technological requirements); and
- Notify students that (i) the materials are copyrighted, and (ii) they may not save the materials to their

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computers, may not revise the materials, and may not copy or distribute the materials.

### Fair Use

The TEACH Act does not limit the fair use doctrine. Thus, even if the TEACH Act requirements are not or cannot be met, the material can still be used if it qualifies as fair use or if written permission is obtained from the copyright owner. For information regarding fair use, refer to the SCAD Copyright Compliance Policy.

### **832: Department of Giving**

The department of giving directs university development efforts and monitors contributions to the university, including in-kind, private donations from students, faculty, staff, alumni, friends of the university, other institutions, foundations and corporations. Any university employee engaged in fundraising for any university project or program must notify the department of giving for proper guidance and gift acknowledgement. All gifts to the university, whether cash or in-kind (noncash) are to be handled by the department of giving. Gift records are maintained in the department of giving. The department of giving website is located at [www.scad.edu/giving](http://www.scad.edu/giving).

### **833: Charitable Giving**

The university serves the Savannah community actively through its educational programs and events. Because of its nonprofit status and the fact that the university has fundraising goals, it is inconsistent with the university's mission and policies to use university funds to make monetary contributions to other organizations or causes. These guidelines are not intended to discourage individuals from making contributions of their own funds to charitable causes of their choice. The university may assist organizations with in-kind gifts on a very limited basis. All requests of this nature should be directed to the executive director of the department of giving.

### **834: Purchasing Procedures**

The purchasing department exists to acquire, on the best terms and at the lowest overall cost consistent with an appropriate level of quality, the goods and services necessary for the operation of the university.

The purchasing department is a centralized organization and its responsibilities include:

1. implementation, coordination and control of all procurement for internal use by the university as well as for items for resale in the university's auxiliary services;
2. implementation, interpretation and administration of the policy and procedures manual;
3. providing counsel to those involved in procurement to ensure that the legal rights of the university are preserved and its legal obligations properly defined.

The university purchasing department coordinates the purchase of materials, services and capital expenditures for all university departments. The purchasing department utilizes a centralized purchase order system and issues purchase orders or makes special payment arrangements with preferred vendors to secure the materials, services or capital expenditures needed for operation of the university. All items ordered with a university purchase order must be shipped to the respective SCAD location's central receiving department. The university does not purchase goods or services for the personal use of its employees. Purchasing policies and procedures regarding petty cash, miscellaneous advances, membership fees and dues, and specific product and service information, as well as forms and charts are available on the university Web site or from the purchasing department at 912.525.6131.

### **835: Travel**

To ensure that the university obtains maximum benefit from its travel and conference costs, travel requests and budgets are centralized and subject to an approval policy. Types of travel exempted from this policy are 1) team travel in the athletic department, 2) travel related to student recruitment and enrollment management activities and 3) travel related to candidates for employment at SCAD.

Through an electronic approval process, all travel requests must be approved by the traveler's supervisor, area vice president or academic dean, and the vice president for business operations. All travel/conference requests must include a statement providing the purpose of travel and the specific benefit(s) to the university resulting from the expenditure. The benefits cited should be specific and tangible.

SCAD does not issue reimbursement for travel booked independently or booked without prior approval from the vice president for business operations. The full travel and entertainment policy can be

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found in the financial policies and procedures manual available through mySCAD.

### **836: Ombudsman**

The ombudsman serves as an alternate resource for all staff to complement, not replace, other existing channels of communication and resolution. The role of the ombudsman is to serve as a resource and designated neutral party for those who may have a university-related concern or grievance. The ombudsman does not impose solutions but does identify options and strategies for resolution by providing contact with appropriate university resources or serving as a mediator. To the extent possible, the ombudsman respects confidentiality. The ombudsman may be contacted at 912.525.5213 or ombudsman@scad.edu.

### **837: Lactation Support**

In accordance with applicable laws, SCAD provides spaces that may be used by employees to express breast milk. Employers are not required under the FLSA to compensate nursing mothers for breaks taken for the purpose of expressing milk. However, where supervisors already provide compensated breaks, an employee who uses that break time to express milk must be compensated in the same way that other employees are compensated for break time. Supervisors are required to provide an employee a reasonable amount of break time to express milk as frequently as needed. If a suitable room is not available in the employee's building, supervisors must allow adequate and additional time for travel to and from the employee's work location to the location designated for lactation. Contact a human resources generalist or benefits@scad.edu for access to lactation locations.

### **838: Mandatory Reporters**

The State of Georgia requires the reporting of any and all suspected child abuse through Georgia's Mandated Reporter Law (Georgia law sec. 19-7(a)). SCAD faculty, staff, volunteers, students and third parties should immediately report suspected child abuse to the university's designated delegates, the directors of security in either Savannah (912.247.2068) or Atlanta (404.660.2864). Making a report to the university's designated delegate satisfies faculty, staff, volunteers, students and third parties' legal reporting obligation

under the law. Reports can also be made orally by calling Central Intake at 1.855.GACHILD/1.855.422.4453 or by faxing or emailing the DFCS Mandated Reporter Form available at <http://dfcs.dhs.georgia.gov/dfcs-forms-online>. Failure to report abuse or suspected abuse could be a criminal offense under Georgia law.

In order to ensure understanding of the law and compliance with reporting requirements, SCAD requires all employees to complete Mandated Reporters: Critical Links in Protecting Children in Georgia, an online training in MySCAD, during the first week of employment. While all employees may not have direct contact with minors in their daily positions at SCAD, employees must be aware of their responsibilities regarding the reporting requirements in case they do have such contact. All SCAD faculty, staff, students or volunteers who come into contact with, or may come into contact with, minors under the age of 18 (such as students or potential applicants, SCAD Day attendees, Rising Star participants, SCAD Museum participants, etc.) must complete this training.

If assistance is needed to understand any legal requirements regarding the reporting of child abuse, employees should contact human resources.

### **900: University Governance Policy**

The Savannah College of Art and Design is committed to high standards of ethical conduct and social responsibility. This commitment extends to relationships with students, faculty, staff, vendors, invited guests and communities. SCAD expects all of its trustees, officers, employees, agents and others acting on its behalf to act with honesty and integrity, and to comply with all applicable laws.

Because institutional integrity is so important, SCAD has adopted this University Governance Policy, which describes the legal and ethical standards that members of the university community are expected to demonstrate in performing their respective responsibilities. This policy is an expression of university values and provides valuable guidance for decision-making.

While the policy provisions address the manner in which certain types of legal and ethical issues that may confront individuals should be handled, they do not provide a detailed set of rules for every situation. Each individual who falls under this policy has the responsibility to ask questions, seek guidance and report suspected and/or violations of the policy. Members of the Board of Trustees, and officers having questions about their ethical obligations under this University Governance Policy or any other university policy should consult the President or the Compliance Committee of the Board of Trustees; all others should consult the Compliance Officer or a human resources generalist.

To assist individuals in becoming familiar with this Governance Policy, as well as laws and regulatory requirements applicable to the university and the SCAD community, the university provides training regarding the provisions of this Governance Policy and other relevant legal requirements.

Retaliation against those who use SCAD's reporting mechanisms to raise good faith concerns will not be tolerated.

This University Governance Policy may be amended by the university from time to time.

### **901: Administration of University Governance Policy**

The Board of Trustees of SCAD has the ultimate responsibility to ensure that the principles of the University Governance Policy are upheld. The Board has established a Compliance Committee as a Committee of the Board to oversee the administration of the University Governance Policy and to oversee the Compliance Officer, who is also appointed by the Compliance Committee. The Compliance Officer will perform various ongoing administrative functions in connection with the University Governance Policy. The Compliance Officer is designated to receive questions and reports of potential or actual violations of the University Governance Policy. The Compliance Officer or the Compliance Committee, as appropriate, will investigate any and all potential violations of the University Governance Policy so the university can take appropriate steps in a prompt manner.

### **902: Compliance with Laws and Regulatory Requirements**

All Trustees, officers, employees, agents and others acting on SCAD's behalf must strictly observe all laws and regulatory requirements applicable to SCAD. Violations by even one person can cause great harm to SCAD's reputation.

Specifically, each SCAD employee is expected to be familiar with the basic legal requirements that apply to his or her duties on the job. Employees can become familiarized with the laws and regulations that apply to his or her work by receiving on-the-job training, reviewing applicable university and employment policies, attending related professional development courses and presentations, and asking questions of the Compliance Officer. Even though not always apparent, some degree of familiarity is required with laws that affect the area in which one works.

The State of Georgia requires the reporting of any and all suspected child abuse. All persons, including SCAD employees (or volunteers) who come into contact with, or may come into contact with, minors under the age of 18 (such as students or potential applicants, SCAD Day attendees, Rising Star participants, SCAD Museum participants, etc.) must complete this training. While all employees may not have direct contact with minors in their daily positions at SCAD, employees must be aware of their responsibilities regarding the reporting

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requirements in case they do have such contact.

If assistance is needed to understand any legal requirements, employees are expected to ask the Compliance Officer or a human resources generalist for instruction or advice. Ignorance of the law can result in severe consequences.

### **903: Trustee or Officer Conflicts of Interest**

No Trustee or officer of SCAD, or any family member of said Trustee or officer, or any corporation, partnership, limited liability company, association, trust or other entity in which such Trustee or officer or family member of such Trustee or officer, serves as a member, officer, partner or representative, or has a financial interest, shall be permitted to enter into any contract or transaction with SCAD unless:

- a. The Trustee or officer discloses to the Compliance Committee of the Board of Trustees the material facts as to his or her and/or his or her family member's relationship with or interest in the entity proposing to enter into the contract or transaction with the corporation, and the full Board of Trustees authorizes the contract or transaction by the affirmative vote of a majority of the disinterested Trustees (even though the disinterested Trustees may constitute less than a quorum); and
- b. The transaction or contract is fair to SCAD. Factors to be considered in determining whether the contract or transaction is "fair" to SCAD include an examination of
  - i. the price and terms of the contract or transaction (the price and terms of the contract or transaction may vary, but must be on a level that the Board of Trustees would accept in an arm's-length negotiation, in light of the knowledge that the Board of Trustees would reasonably have acquired in the course of such negotiation); and
  - ii. whether the Board of Trustees would reasonably determine that the contract or transaction was in the best interest of SCAD.

If a Trustee or officer of SCAD, or any family member of such Trustee or officer, or any corporation, partnership, limited liability company, association, trust or other entity in which such Trustee, officer or family member of such Trustee or officer serves as a member, officer, partner or Trustee, or has a financial interest, enters into

any contract or transaction with the corporation without complying with the requirements described above, the Board of Trustees, at its sole discretion, may either:

- a. Void the contract or transaction in its entirety and recover from such Trustee or officer any damages and expenses suffered or incurred by SCAD as a result of the contract or transaction; or
- b. Modify the price and terms of the contract or transaction so that SCAD receives a price and terms comparable to what the institution would receive in an arm's-length negotiation.

### **904: Employee Conflicts of Interest**

The university expects all employees (including officers) to avoid any activity, investment, interest or association that interferes with or appears to interfere with their independent exercise of judgment in carrying out their job duties and other general obligations and responsibilities to SCAD, or with the interests of SCAD as a whole. If an employee believes that he or she is faced with an actual or potential conflict of interest, he or she should discuss the matter with the Compliance Officer or a human resources generalist.

### **905: Limitation on Employee's Activity**

No Trustee or officer of SCAD shall utilize the services of any employee of SCAD with respect to private business activities of the Trustee or officer. Additionally, no employee shall agree to provide services to any Trustee or officer of SCAD, regardless of whether or not he or she is receiving separate remuneration for such services, with respect to any private business activity of a Trustee or officer of SCAD.

### **906: Maintaining Accurate Records**

The following principles shall apply to all records maintained by SCAD:

- a. When preparing timesheets, all information must be recorded accurately.
- b. When preparing or approving invoices, the correct billing information must be reflected accurately.
- c. SCAD employees should never intentionally create the inference that a document or record was executed, created, accepted or transmitted on SCAD's behalf at a time other than when the event actually occurred.
- d. The accounting records should not conceal or disguise the nature of any transaction.

- e. Unrecorded or off-the-books funds or assets should not be kept.
- f. SCAD's books or records should not be falsified, altered or tampered with.
- g. Any suspected false, inaccurate or misleading entries in SCAD's timesheets, invoices, books or records should be reported.
- h. All records shall be kept in accordance with all laws, rules and regulations.

### **907: Gifts and Other Favors**

No officer or employee of the university shall accept any gifts, favors, personal discounts or similar arrangements from students, parents, alumni, donors or any person or entity that has or seeks a business relationship with the university if their aggregate value is in excess of a moderate, reasonable and customary amount. Any offers of any gifts, favors, personal discounts or similar arrangements should also be considered as to whether they meet the following criteria:

- a. They are consistent with accepted business practices.
- b. The frequency from any one person or entity is not excessive or unreasonable.
- c. They cannot be reasonably construed as payment or consideration for influencing or rewarding a particular decision or action.
- d. They are not securities, cash, cash equivalent or a form similar to those.
- e. They do not violate applicable law.
- f. Their public disclosure would not embarrass SCAD.

Any offers of any gifts, favors, personal discounts or similar arrangements that may violate this policy must be reported to the compliance officer, employee relations manager or human resources, even if the offer is refused.

### **908: Outside Activities**

SCAD requires employees to avoid engaging in any outside activities or financial interests that conflict with their responsibilities to SCAD or may cloud the independent and objective judgment an employee exercises on SCAD's behalf. Employees are expressly prohibited from using SCAD's name or resources in the engagement of any outside activity or financial interest.

The use of SCAD's time, materials, assets, resources or facilities (except for de minimis use) for persons not directly related to SCAD's operations, or the removal or borrowing of SCAD property without permission, is prohibited.

### **909: Nonprofit Corporation**

SCAD is organized under the Georgia Nonprofit Corporations Code and qualifies for tax exemption under Section 501(c)(3) of the Internal Revenue Code, which imposes certain significant requirements, which include:

- No Distributions. SCAD may not make distributions (a transfer of assets for less than full value in return) to its Trustees, officers or other private persons except in furtherance of the charitable purposes of the university. Upon dissolution, SCAD's assets shall be distributed for exempt purposes or distributed to other public charities, to a state or possession of the United States or a political subdivision thereof.
- No Private Inurement. SCAD may not engage in any transaction where an economic benefit is provided in excess of the value received by the university to any person (or their immediate family) in a position to exercise substantial influence over the affairs of the university.
- Limitation on Influencing Legislation. State and federal laws also limit how SCAD may use its assets to influence legislation. The use of university time, materials, assets, or facilities to influence legislation at any level of government is prohibited except as specifically approved by the President.

### **910: Reporting Violations and Communicating Concerns**

#### **Duty to Come Forward**

As part of its commitment to legal and ethical behavior, SCAD requires all employees to report any actual or apparent violations of the provisions of this policy, including those referenced herein that may appear elsewhere. This obligation extends to any instance where there is a good faith belief that a violation has already or may be occurring. Failure to comply with this duty to come forward is a violation of this policy and can result in disciplinary action. Moreover, employees should report any good faith belief as soon as they become aware of any such violations. Delays in reporting can cause undue difficulties in investigating and resolving complaints and may expose the SCAD community to liability and harm. Penalties and repercussions from unlawful behavior can be devastating to the university and the individuals involved. Therefore, any violations must be investigated and dealt with appropriately and in a timely manner. All employees are encouraged to ask questions regarding compliance with laws or compliance with this policy, as directed below.

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## UNIVERSITY GOVERNANCE POLICY

### **Who Can Be Contacted**

Any questions, concerns, or issues regarding compliance should be brought to the compliance officer, vice president for human resources or the president.

- Employees may contact the compliance officer by any of the following methods:
- In writing, addressed to the compliance officer, at 126 E. Gaston St., Savannah, GA 31401.
- By email to [complianceofficer@scad.edu](mailto:complianceofficer@scad.edu)
- By phone at 912.525.5734 or 912.257.6351
- Employee relations manager at 912.525.5546
- Human Resources at 912.525.5532

If there are any concerns with respect to actions or activities involving members of the Board of Trustees or the President of the university, such concerns should be reported to the Compliance Committee of the Board at the following address:

622 Drayton St. (Lai Wa Hall)  
Savannah, GA 31401.

Anyone receiving a reported violation of any provision of this policy should immediately report that violation to the compliance officer, employee relations manager or vice president for human resources.

Employees must not use the provisions or terms of the Governance Policy in bad faith or in a frivolous manner. Employees should not make reports to the Compliance Officer about personal grievances not related to the Governance Policy. Rather, employees should refer to the university's "open door" policy to address personal grievances as there may be alternatives means for addressing a complaint unrelated to the terms of this Governance Policy.

SCAD will promptly investigate alleged violations of this policy and will take corrective measures, if warranted, while ensuring that all employees are treated fairly and courteously. The full grievance process and procedures guide can be found in the Policies channel on MySCAD.

### **911: Retaliation Prohibited**

SCAD will not tolerate harassment, retaliation, or any type of discrimination or adverse employment action against an individual because that individual makes a good faith complaint about a violation of this policy or because that individual participates in an investigation of a violation of this policy. Individuals who bring complaints, however, are not protected from their own misconduct.

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## UNIVERSITY RESOURCES AND SERVICES

The university provides a number of resources and services that employees may utilize. All university resources are the property of the university. All resources and services must be used in accordance with appropriate rules.

### **1001: Office and Work Areas**

The university provides desks, lockers and storage space (as well as equipment and other supplies) for many employees to use in the course of their work. Desks, lockers and storage space are the property of the university; therefore, the university reserves the right to have access to that space as needed. Employees are advised not to keep valuable or confidential personal items at work. The university cannot be held responsible for personal items. Storage space should not be locked without authorization unless the supervisor has access whenever necessary.

All work areas must be kept neat and clean at all times. Employees are responsible for:

- Storing coats, boots, umbrellas and other items of clothing in designated areas.
- Cleaning and storing all tools and equipment and properly securing any items, papers or information of value in appropriate locations.
- Submitting requests for maintenance to physical resources.
- Submitting requests to move furniture or people to physical resources.
- Arranging for removal of any unnecessary items from work area (boxes from supplies, items to be recycled, etc.).
- Reporting any potential safety hazards to supervisors.
- Maintaining a professional work environment by keeping walls and doors free of postings and display only work-appropriate personal effects.

Savannah employees should contact physical resources at 912.525.5080 for routine and special requests for assistance. Atlanta employees should contact physical resources in Atlanta at 404.253.3249.

### **1001.1: Equipment and Material Removal Policy**

Employees may not remove or use materials and equipment possessed by the university or assist another employee in removing or using equipment or materials without proper authorization. "Scrap" or materials and equipment in dumpsters are included in this policy. Unauthorized removal or theft of university property or the property of other employees or students may result in termination of employment.

Proper authorization to remove equipment or material may be obtained by completing an Equipment and Material Release form. The form, available from the executive director of physical resources or on MySCAD, must be completed and signed before removal of any property or material. Charges will apply where applicable.

### **1001.2: Building Repairs and Maintenance**

Physical resources coordinates all building repairs, renovations and cleaning, as well as grounds upkeep and trash removal. Routine repairs and requests for renovations should be reported to physical resources by submitting a work request through the department's physical resources liaison, who will enter it in the online work request system.

Proposed building or classroom changes should be directed to the department dean, who will review the proposal. If approved, academic services will present the request to physical resources and any other appropriate department to be reviewed. Funding will be discussed before the project is approved or disapproved. Work requests are not to be entered until a project is approved.

**Savannah:** For emergency repairs call the physical resources office at 912.525.5080. Evening and weekend emergency repairs should be directed to the university security 24-hour emergency line at 912.525.4500. Security personnel will notify the on-call physical resources staff member immediately.

**Atlanta:** For emergency repairs call the physical resources office at 404.253.3249. Evening and weekend emergency repairs should be directed to the university security 24-hour emergency line at 404.253.3472. Security personnel will notify the on-call physical resources staff member immediately.

### **1001.3: Event Setup Requests**

#### **Savannah**

The university reservations office provides logistical support for university events. The event process begins with a room reservation. University resources are limited and events related to academic programs are given priority. Employees must secure the location with university reservations prior to making any outside arrangements, especially with regard to speaker/performer contracts and airfare. When university events require special arrangements such as furniture setups, audio/visual equipment, security or transportation, these other resources must be requested after the reservation has been made. Fees may be required for the use of some facilities or resources. A Physical Resources Reservation Request form must be submitted at least two weeks prior to the event. The Physical Resources Reservation Request form is available online or from physical resources. For room reservations in Savannah, email requests to [reserve@scad.edu](mailto:reserve@scad.edu). Event hosts wishing to publicize their events on the university's master calendar must call the office of creative direction at 912.525.5225.

#### **Atlanta**

For questions regarding event setup and other facility and equipment needs in Atlanta call 404.253.3249 or email requests to [atlreserve@scad.edu](mailto:atlreserve@scad.edu). Event hosts wishing to publicize their events on the university's master calendar must call the Atlanta communications office at 404.253.3205.

### **1001.4: University Communication Devices**

The university provides communication devices such as telephones, cellular phones, computers, pagers, wireless devices and faxes as a means of communication for most employees in the course of their work. These devices are the property of the university and are intended for business purposes.

Appropriate codes or calling cards are issued by the university to employees who need to make long distance calls for university business. The code or card may not be used for personal long distance calls. Occasional use of university telephones for local personal calls generally can be accommodated. Some university telephone systems allow voice mail messages to be stored and retrieved by individual employees. The voice mail system is to be used for university business only.

Communications devices should be used in a manner that does not disturb others in the workplace. Electronic devices, including cell phones, should be placed on silent or vibrate mode during working hours in offices, in classrooms, during meetings or conferences, and in other locations where incoming calls may disrupt normal workflow.

The university reserves the right to monitor usage of its equipment. Excessive use of university communication devices for personal use, including the voice mail system, is prohibited. Violation of any part of this policy may result in termination of access to university communications devices, disciplinary action or termination from employment.

All wireless device invoices will be reviewed monthly. Excessive overages (as defined by the employee's voice, data or text plan) will be communicated to the employee's manager, and the employee may be responsible for reimbursing the costs to cover these overages. Applications, monthly subscriptions, directory assistance, ringtones, games and other extraneous purchases to the wireless device account must be paid by the employee unless otherwise approved by the area vice president.

Employees will not be allowed to port their personal cell phone number onto the university account if approved for a SCAD-issued cell phone. A SCAD wireless number will be issued for SCAD cell phones. All phone numbers issued by the university are property of the university. In addition, employees will not be allowed to port their SCAD-issued cell phone number out of the plan at any time. The equipment, SIM card and phone number are at all times considered property of the university.

University cell phones and/or wireless devices are the property of the university and as such may be disconnected and/or removed from the employee's possession at any time. Abuse of SCAD-issued cell phone privileges may result in discipline up to and including termination. Violations of this policy should be referred to the human resources department for review and appropriate action. The full Cellular Phone and Wireless Device Policy can be found on the Policy Channel available on MySCAD or obtained from the human resources department.

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## UNIVERSITY RESOURCES AND SERVICES

### **1001.5: University Drivers and Vehicles**

The university provides vehicles for certain employees to use in the course of their duties. University vehicles are the property of the university and intended for university business use only. Under no circumstances are employees to use university vehicles for personal use, unless the senior vice president for university resources or his or her designee has given the employee written permission.

Employees who are required to operate a university-owned or university-leased vehicle must have a valid driver's license and be registered with the university. The university obtains annual driving record checks on each employee who is required to operate a university vehicle. It is the responsibility of the employee to report any driving violations to his or her supervisor. Operators of university-owned vehicles may be subject to drug testing.

It is the responsibility of all employees to operate university vehicles in a safe and responsible manner and to adhere to all driving rules and regulations. Employees may not leave keys in a university vehicle or leave a university vehicle running and unattended. Employees may not place or receive cell phone calls while operating any vehicle in order to conduct university business. Employees should pull off the road to a safe area and completely stop the vehicle before accepting or placing a phone call.

Employees are solely responsible for any driving violations or charges resulting from their failure to obey driving rules or regulations. Employees who fail to follow this or any other university policy may be disciplined immediately, up to and including termination.

### **1002: University Mail Services**

#### **Savannah**

Incoming, interoffice and outgoing mail is processed through the university mail services department. Department mail is received at the postal services center and delivered to administrative buildings. Information regarding the procedures for sending and receiving mail may be obtained from university mail services at 912.525.6961.

The official mailing address of the university is:

Savannah College of Art and Design  
P.O. Box 3146  
Savannah, GA 31402-3146

#### **Atlanta**

Incoming, interoffice and outgoing mail is processed through the Atlanta university mail services department. Information regarding the procedures for sending and receiving mail may be obtained from university mail services at 404.253.3252.

The official mailing address for SCAD-Atlanta is:

SCAD-Atlanta  
1600 Peachtree St.  
Atlanta, GA 30309

University addresses are to be used for university business only.

### **1003: Transportation and Parking**

#### **Savannah**

The university provides transportation and parking services for employees, students and visitors. Free parking permits and SCAD logo stickers are issued to faculty and staff and are valid for one academic year. Permits and stickers may be obtained from the transportation and parking office at 22 E. Lathrop Ave., or from the SCAD Card offices at Bradley Hall or Turner House.

Parking permits must be properly placed on the bottom corner on the driver's side front window.

The university operates several parking lots throughout Savannah; space, however, is limited and parking regulations are strictly enforced. Violators of parking regulations may be ticketed and/or towed at their expense without warning. All users of the university's parking lots should review the parking regulations, which are posted on the university Web site at [www.scad.edu/park](http://www.scad.edu/park).

The university operates a full-service bus transportation system that services all academic buildings and residence halls 24 hours a day. Bus schedules are published in the "Beeline" bus schedule and on the university Website.

The university also provides transportation for university tours and special event tours for the admission department and for student organizations. Transportation for class trips may be available depending on department schedules and resources. Student medical transports for routine medical appointments are available 9 a.m.-5 p.m., Monday through Friday with 24-hour advance notice. Inquiries regarding university parking and transportation services should

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## UNIVERSITY RESOURCES AND SERVICES

be addressed to the office of transportation and parking services at 912.525.5072 or 912.525.7293.

### Atlanta

The university provides parking for employees, students and visitors. Free parking permits and SCAD logo stickers are issued to faculty and staff and are valid for one academic year. Permits and stickers may be obtained in Savannah from the transportation and parking office at 22 E. Lathrop Ave. or the SCAD Card offices at Bradley Hall or Turner House, or from a parking services representative during new hire orientation in Atlanta.

Parking permits must be properly placed on the bottom corner on the driver's side front window. SCAD logo stickers must be placed on the rear window of vehicles.

Violators of parking regulations may be ticketed and/or towed at their expense without warning. All users of the university parking lot should review the parking regulations, which are posted on the university Web site at [www.scad.edu/park](http://www.scad.edu/park).

Inquiries regarding university parking services should be addressed to the office of transportation and parking services at 912.525.5072 or 912.525.7293.

### 1004: Bobbie's Diner

1402 Habersham St., Savannah, Ga., 912.525.6640  
Bobbie's serves snacks and meals in an atmosphere reminiscent of the early 1950s. The diner was transported to SCAD from Mountain View, R.I., and seats 41 people on bar stools and in booths, in a decor accentuated by stainless steel and blue and white tile.

### 1005: SCAD Bookstores

#### Ex Libris

228 Martin Luther King Jr. Blvd., Savannah, Ga., 912.525.7550

Owned and operated by the Follett Corp., this four-story book and art supply store supplies university textbooks and memorabilia as well as gifts, full-service framing and Café 78. Ex Libris is open seven days a week. Hours are posted each quarter.

#### SCAD-Atlanta Bookstore

1600 Peachtree St., Atlanta, Ga., 404.253.6095

The SCAD-Atlanta Bookstore is a full-service bookstore. Hours are posted each quarter.

### 1006: Galleries

SCAD operates more than a dozen galleries in Savannah, Atlanta, Hong Kong and Lacoste, each with a distinctive atmosphere, floor plan, and play of light and space, inviting students to learn unique approaches to the curating and display of work. For a current list of SCAD's exhibitions and galleries, visit [www.scad.edu/exhibitions](http://www.scad.edu/exhibitions).

### 1007: Gryphon

337 Bull St., Savannah, Ga., 912.525.5880

Gryphon is housed in an adapted turn-of-the-century pharmacy, serves tea, coffee, sodas and light meals. Students, as well as locals and tourists, relax in the tea room while admiring the antique furnishings. Fourteen original stained glass windows with a mortar and pestle motif convey the original purpose of the shop.

### 1008: Libraries

SCAD Libraries are key, central learning resources for each location they serve. They provide access to a wealth of print, electronic and special collections materials targeted to the needs of students, faculty and staff. Each library affords an inviting, secure environment for work and study. All SCAD Libraries\* are closed to members of the general public.

In addition to providing access to current SCAD students, faculty, staff and alumni with valid ID, SCAD libraries also provide access to the following:

- Individuals with valid IDs from other institutions of higher learning, including cultural institutions (e.g. museums)
- Escorted guests of faculty and staff, upon acknowledgment and sign-in at the front desk; unescorted guests by prior faculty or staff arrangement with the head librarian or dean of library services
- Family members escorted by SCAD students, upon presentation of identification, particularly during special events such as orientation or commencement Groups with related professional interests such as conference attendees or those affiliated with the university for special events such as the Savannah Film Festival or SCAD Style, by prior arrangement with library staff.

#### Jen Library

201 E. Broughton St. · Savannah, Ga. · 912.525.4700

The Jen Library in Savannah provides access to many electronic databases and print materials that support the university's curriculum and cover a broad range

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## UNIVERSITY RESOURCES AND SERVICES

of topics. The library's extensive holdings include books, periodicals, multimedia resources and special collections of rare books, student theses and unique items. Numerous computers and computer network connections provide access to the Internet, database subscriptions purchased by the library and a variety of software programs. Library users also enjoy access to multimedia classrooms and a large video wall that showcases images of university events and student work. The Jen Library offers comprehensive orientation and bibliographic instruction programs. Library instruction is available to students through the first-year seminar course, subject-based classes and individual consultations, teaching students how to locate and evaluate information using the library's electronic and print resources. In addition, on-site computer services staff maintain library systems and assist users with computer-related questions.

The Jen Library's interlibrary loan department borrows materials from other libraries for patrons' research needs. Upon request, library staff mail materials, free of charge, to SCAD e-Learning and SCAD-Atlanta students not located in the area. A course reserve system allows professors to place instructional materials on reserve for in-library use, giving students access to additional resources. The library also provides scanners, copy stand facilities, numerous photocopiers, DVD and video players, CD players and burners, individual and group study rooms, and slide viewers.

### **Atlanta College of Art Library of the Savannah College of Art and Design**

1600 Peachtree St. · Atlanta, Ga. · 404.253.3196

When the Atlanta College of Art merged with the Savannah College of Art and Design in June 2006, the important resources of each institution were combined to create a significant specialized library named in honor of the Atlanta College of Art's century of fine arts instruction.

The Atlanta College of Art Library is located at SCAD-Atlanta, 1600 Peachtree St., where students may utilize more than 40,000 volumes, 370 periodicals and nearly 100,000 slides, as well as online texts and services. State-of-the-art workstations include laptop hookups and sound barriers. A media center allows students to view videos and DVDs in the library. Students in Atlanta also have access to Jen Library resources through interlibrary loan.

### **1009: SCAD Dining Halls and Meal Plan**

Full-time faculty and staff may choose to purchase a university meal plan that may be used in the university's dining facilities. The plan includes a designated number of meals per quarter that may be used in Savannah at J.O.'s, 201 W. Oglethorpe Ave.; Bobbie's Diner, 1402 Habersham St.; Café 78, 228 MLK Jr. Blvd., the Streamliner Diner, 120 W. Henry St.; Café at The Hive, 231 W. Boundary St.; and Byte Café, 3515 Montgomery St. and at the Hub, SCAD-Atlanta. Employees may pay for the plan by check, credit card or payroll deduction. In the event of termination from the university, those who utilize the payroll deduction option may have monies withheld from their final paychecks to cover meals that exceeded deduction allotments. Likewise, the university will refund any monies that are due for unused meals at the time of departure, based on deduction allotments. The meal plan becomes active upon receipt of payment and meals that are left over do not roll over to the next year. For more information or to sign up for the meal plan, contact the SCAD Card Center at 912.525.8406 or 912.525.8402.

### **1010: Streamliner Diner**

120 W. Henry St., Savannah, Ga., 912.525.6670

This vintage diner was built in Worcester, Mass., and features original mauve marble counter tops, stained glass, a tile floor and mahogany booths. The university was presented with an International Deco Defender Award in 1990 by the Art Deco Societies of America for the acquisition and renovation of the Streamliner. The 36-seat diner serves snacks and meals.

### **1011: Trustees Theater**

216 E. Broughton St., Savannah, Ga., 912.525.5050

The theater opened in 1946 as a part of Savannah's grand theater district. After purchase and restoration by the Savannah College of Art and Design some 50 years later, the Trustees Theater continues to dazzle patrons with its blend of materials, textures and geometric angles. The theater operates year-round as a large venue for the media and performing arts department, in addition to hosting lectures, live performances, concerts and films.

State-of-the-art equipment in the theater includes digital surround sound capability for film and video projection and a digital delay system that allows

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## UNIVERSITY RESOURCES AND SERVICES

patrons in all areas of the theater to hear simultaneously. The lighting system includes conventional as well as automated stage fixtures and features a computerized lighting console. Comfortable dressing rooms and graciously appointed lounges offer performers and patrons a memorable experience. A multi-use performing arts center, Trustees Theater seats 1,100 people, is equipped with assisted listening devices and accommodates wheelchair seating.

Performance and ticket information may be obtained from the box office at 216 E. Broughton St., by calling 912.525.5050 or by visiting [www.trusteestheater.com](http://www.trusteestheater.com).

### **1012: SCAD Museum of Art**

The SCAD Museum of Art is a contemporary art and design museum conceived and designed to enrich the educational milieu of SCAD students and professors, and to attract and delight visitors from around the world.

The permanent collection includes works by major artists, with media and subject matter ranging from painting and photography to fashion and textile art. The museum also houses a major collection of 19th- and 20th- century photography, including works by Cartier-Bresson, Mapplethorpe, Wegman and Warhol; The Earle W. Newton Collection of British and American Art, including rare books, antique maps and paintings, and works by Hogarth, Van Dyck, Gainsborough, Reynolds and Romney; and The Walter O. Evans Collection of African American Art, which spans more than 150 years of African American art and includes prized pieces by Bannister, Duncanson, Bearden, and Hunt. The SCAD Museum of Art is open to all SCAD students, employees and the general public. Information on hours of operation, events, exhibitions, etc. can be found at [scadmoa.org](http://scadmoa.org).

### **1013: Student Center**

Centrally located between classrooms and residence dining halls at 120 Montgomery St in Savannah, the Student Center provides students with a safe place to socialize in a healthy and fun environment.

The first floor houses the office of student involvement, Apple computer workstations, ample study tables and a coffee shop. Students can relax playing pool or watching television. The second floor is used for lectures and other social events. Many clubs and organizations request the second floor for meetings and activities. On the third floor, students can study and do homework in private stations. On the fourth floor, students can watch movies on flat-screen televisions, or curl up for a power nap in one of the Napping Pods. The Student Center is equipped with wi-fi and hosts a variety of activities, including socials, lectures, student meetings, film screenings and more.

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## SCAD: THE UNIVERSITY FOR CREATIVE CAREERS

Savannah College of Art and Design is a private, nonprofit, accredited institution conferring bachelor's and master's degrees in distinctive locations and online to prepare talented students for professional careers. SCAD offers more than 40 degree programs of study as well as more than 60 minors at locations in Savannah and Atlanta, Georgia; Hong Kong; Lacoste, France; and online through SCAD eLearning.

SCAD has more than 30,000 alumni and offers an exceptional education and unparalleled career preparation. The diverse student body of nearly 12,000 comes from all 50 United States and more than 100 countries worldwide. Each student is nurtured and motivated by a faculty of more than 650 professors with extraordinary academic credentials and valuable professional experience. These professors emphasize learning through individual attention in an inspiring university environment. SCAD's innovative curriculum is enhanced by advanced, professional-level technology, equipment and learning resources and has garnered acclaim from respected organizations and publications, including 3D World, American Institute of Architects, Business Week, DesignIntelligence, U.S. News & World Report and The Los Angeles Times.

SCAD and The University for Creative Careers are registered trademarks of the Savannah College of Art and Design.

# Staff Handbook Acknowledgment



The Savannah College of Art and Design prepares and updates staff handbooks to acquaint staff with policies and procedures related to their employment with SCAD.

All new SCAD staff employees are given access to (through MySCAD) or a hard copy of the staff handbook at new hire orientation. Each staff employee must acknowledge that he/she received the staff handbook and understands that he/she is responsible for reading, understanding and complying with the policies contained in the handbook.

If you have not already reviewed the Staff Handbook, you can access it by following these steps:

1. Login to My SCAD
2. Select the Resources tab
3. Select the Staff Handbook link in the Handbooks channel

## Acknowledgement

I, Isaac Payne, hereby acknowledge that I received access to (through MySCAD) or a hard copy of the SCAD Staff Handbook on August 30, 2015.

I further acknowledge that I understand that the Staff Handbook contains current policies of SCAD, and I agree to read and comply with the policies contained in the handbook, including the Alternative Dispute Resolution Policy and Agreement (the "ADRPA").

I also understand that SCAD reserves the right to establish, change, or abolish any policy or practice at any time to meet the needs of the university, with the exception of the ADRPA, which is binding on SCAD and me as written, unless revised following the procedure set out in the ADRPA.

I understand and acknowledge that, except for the Alternative Dispute Resolution policy, the staff handbook does not create a contract with SCAD for any purpose.

I further acknowledge that nothing in the staff handbook changes the at-will employment relationship between SCAD and me, and I acknowledge that either SCAD or I may terminate the employment relationship, at any time, with or without notice.

Employee's signature

A handwritten signature in black ink, appearing to read "Isaac Payne".

Date 08 / 30 / 2015

## Joe English

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**From:** Joe English  
**Sent:** Wednesday, October 14, 2020 3:39 PM  
**To:** 'Daniel Werner'; Benjamin Crump  
**Cc:** Glianny Fagundo  
**Subject:** Isaac Payne threatened legal action against SCAD

**Importance:** High

Dan and Ben,

As you know, your client Isaac Payne entered into an agreement to submit any employment-related legal claims against SCAD to confidential, binding arbitration pursuant to SCAD's ADRPA. We have provided you with the relevant documents, including Mr. Payne's acknowledgement. As experienced employment lawyers, you are also aware that the federal courts including the Eleventh Circuit have consistently upheld and enforced similar arbitration agreements in the employment context.

In the face of these facts and controlling law, you have indicated that you intend to ignore your client's binding agreement and file suit against SCAD in federal court. Please be advised that, should you choose this path, SCAD will move to judicially enforce the arbitration agreement and seek costs and attorney's fees involved in obtaining same, against you and your client.

If you elect to pursue Mr. Payne's claims in arbitration per the contract, I reiterate that I am ready to work with you to select an arbitrator and get to the merits of Mr. Payne's dispute.

I look forward to hearing from you.

Joe



**Joseph M. English**

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[Website](#) | [vCard](#) | [LinkedIn](#) | [Blog](#) | [Twitter](#)

[Labor & Employment Practice Group](#)

Ranked in Chambers 2019

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